

STATE BOARD REPORT

PUBLISHED BY THE MISSOURI BOARD OF EMBALMERS AND FUNERAL DIRECTORS

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NOVEMBER 2007

CHAIR'S REPORT

BY: MARCIA SHADEL



Greetings, I would like to take this opportunity to offer a sincere thanks to all the hardworking members of this Board, Staff, and Inspectors/Investigators for their effort and commitment over the years. As always, our Executive Director - Becky Dunn, has worked steadily on our behalf, acting as a liaison for information between our licensees, other entities and organizations and most importantly our Missouri citizens. We welcome our most recently Governor Blunt appointed members: Martin Vernon of Hartville, Gary Fraker of Marshfield, and Daniel T. Mahn of DeSoto. I would like to offer a personal thanks to our past Chairmen Jerry Griffin, Bill Stuart and Ken McGhee for their many years of dedication and commitment. All three members were great assets to the Board and their presence and wealth of knowledge

will be truly missed. Also, a sincere THANK YOU to all those who have provided their input, suggestions and recommendations, and especially for their patience in the Board's rule revision process.

I realize that all licensees have worked hard to obtain the licenses they hold and I want to remind each of you that we all have a duty and a responsibility to follow and comply with the Board's Statutes, Rules and Regulations. Please, do not let anyone jeopardize your license by suggesting, or having you assist, in doing otherwise.

If you have questions or concerns relating to compliance issues, please do not hesitate to contact the Board office. We are always pleased to assist you.

I personally thank you for the opportunity to serve as your chairman.

EXECUTIVE DIRECTOR'S REPORT

BY: BECKY DUNN



The staff of the State Board welcomes your input with regard to questions or suggestions relating to correspondence that you receive from us, as well as our application, renewal, and annual reporting forms. We have in the process of modifying all board forms due to the transition to the Department of Insurance, Financial Institutions and Professional Registration

which took place in August of 2006.

We currently have several rule/regulation changes that became effective as of July 30, 2007. We have included these regulations in this newsletter with the changes in RED. Also included, are two additional regulations that have been submitted for proposed changes.

We are pleased that as of October of 2007 the paper/pencil examinations, previously administered in Jefferson City have now been converted to computerized examinations. This will provide the applicants four testing center locations at the Pearson Professional Centers in Columbia, Kansas City, Springfield and St. Louis, as well as various other locations in neighboring states. Information relating to the examination company and process is included within this newsletter.

Please remember, if you receive a reminder notice and/or renewal for any license and/or registration with the Board, and you do not wish to renew the license or registration, contact our office. This practice will assist the board with updated licensure files, as well as prevent late notices to be issued to you from the

Board office.

We welcome your attendance to our board meetings. We have the upcoming dates posted on our website at <http://pr.mo.gov/embalmers.asp>. Also, if you have questions and concerns, please send your remarks to pr.embalm@pr.mo.gov.

Thanks to everyone for your dedication and service to the profession of the funeral industry.

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Governor

The Honorable Matt Blunt

**Department of Insurance, Financial
Institutions and Professional Registration**Douglas M. Ommen, **Director****Division of Professional Registration**David Broeker, **Director****Members of the State Board**Marcia Shadel, **Chairman**James Reinhard, **Secretary**Martin Vernon, **Member**Gary Fraker, **Member**Daniel T. Mahn, **Member**Joy Gerstein, **Public Member****Staff**Becky Dunn, **Executive Director**Lori Hayes, **Inspector**Pamela Schnieders, **Administrative Office
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Funeral Directors**

3605 Missouri Boulevard

P.O. Box 423

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(573) 751-0813

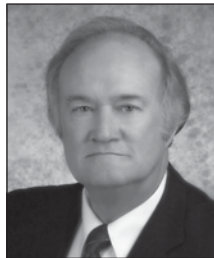
(573) 751-1155 **Fax**(800) 735-2966 **TTY****URL:** <http://pr.mo.gov/embalmers.asp>**E-mail:** pr.embalm@pr.mo.gov

STATE OF MISSOURI
Division of Professional Registration

The State Board Report is an official publication of the Division of Professional Registration. Submit articles to: State Board Report, P.O. Box 423, Jefferson City, MO 65102.

MESSAGE FROM THE DIVISION DIRECTOR

BY: DAVID BROEKER



The Division of Professional Registration has had a busy and successful 2007. It was a year of significant and beneficial accomplishments, not the least of which was a legislative session where 14 of our 16 proposals were truly agreed to and finally passed and signed into law by the Governor Matt Blunt.

Legislation also signed into law by the Governor created the Board of Private Investigator Examiners which went into effect August 28, 2007. This board

consists of 5 members; three private investigators and two public members appointed by the Governor with advice and consent of the Senate.

With the addition of the Private Investigator Examiners, the Division of Professional Registration now houses 18 administrative boards, 13 non-administrative (autonomous) boards and 8 advisory boards:

18 Administrative Boards

- State Committee of Interpreters
- Office of Athletics
- Endowed Care Cemeteries
- State Committee of Dieticians
- Board of Geologist Registration
- Board of Examiners for Hearing Instruments Specialists
- Interior Design Council
- Marital & Family Therapists
- Board of Therapeutic Massage
- Board of Occupational Therapy
- Committee for Professional Counselors
- State Committee of Psychologists
- Missouri Real Estate Appraisers Commission
- Missouri Board for Respiratory Care
- State Committee for Social Workers
- Office of Tattooing, Body Piercing & Branding
- Missouri Office of Athletic Agents
- Board of Private Investigator Examiners

13 Non-Administrative Boards

- Board of Accountancy
- Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects
- Board of Chiropractic Examiners
- Board of Cosmetology & Barber Examiners
- Missouri Dental Board
- State Board of Embalmers & Funeral Directors
- State Board of Registration for the Healing Arts
- Missouri State Board of Nursing
- State Board of Optometry
- Missouri Board of Pharmacy
- State Board of Podiatric Medicine
- Missouri Real Estate Commission
- Missouri Veterinary Medical Board

Division Director's Report *continued...***8 Advisory Boards:**

- Advisory Commission for Dental Hygienists
- Advisory Commission for Anesthesiology Assistants
- Missouri Acupuncturist Advisory Commission
- Athletic Trainer Advisory Commission
- Advisory Commission for Clinical Perfusionists
- Advisory Commission for Physical Therapists
- Advisory Commission for Registered Physician Assistants
- Advisory Commission for Speech Pathologists & Clinical Audiologists

On September 26, 2007, the Division held a board orientation and update. The Honorable Jay Wasson, District 141, Missouri House of Representatives headlined the state officials and Division staff who participated in the day-long event. Representative Wasson is Chairman of the House Professional Registration Committee and offered considerable insight on the legislation process. Special thanks to Representative Wasson for joining us during the afternoon session. We were also pleased to have participation from staff members of the Governor's Office, Secretary of State's Office, and the Joint Committee on Administrative Rules.

The Division Mission is:

- Protect the Public ...
from incompetence, misconduct, gross negligence, fraud, misrepresentation and dishonesty.
- License only "qualified" professionals...
by examination and evaluation of minimum competency.
- Enforce standards...
by implementing legislation and administrative rules.

I am proud to be associated with a team of dedicated employees who take this mission seriously.

David Broeker

Division Director

DEPARTMENT OF HEALTH UPDATE

WHICH TO FILE?

BY: IVRA CROSS, STATE REGISTRAR
BUREAU OF VITAL RECORDS

Situations involving an infant or fetal death are always difficult for both family and hospitals. There is often confusion as to whether a fetal report should be filed, or a birth certificate along with a death certificate.

There is a lack of communication on the part of the hospital personnel and the funeral director in determining which to file. In Missouri, the hospital where the delivery occurred is responsible for filing a fetal report. When funeral directors are involved in the disposition of an infant, they are responsible for filing the death certificate. Often times there is confusion when a funeral director is not made aware of the live birth. The funeral director might assume the baby was stillborn and will not initiate a death certificate. The result could be a birth certificate filed with no death certificate, a death certificate with no birth certificate, or a death certificate and a fetal report for the same baby.

In conducting trainings and workshops throughout the state, hospital personnel are encouraged to inform funeral directors whether a baby lived any time after delivery. Funeral directors are also encouraged to ask questions regarding the delivery status when babies are released to them.

Good communication appears to be the essential key to effectively recording the appropriate certificates. A simple response of "yes" or "no", to an important question, "Did this baby live any time after delivery?" could assist in a more efficient and timely process of which is appropriate to file.

INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS, INC.

1885 Shelby Lane
Fayetteville, AR 72704
Phone 479-442-7076 • Fax 479-442-7090
<http://www.theconferenceonline.org>

WHAT IS THE CONFERENCE?

The Conference currently works with the Missouri State Board for examinations services. The Conference had its beginning in 1903, when a group of state licensing boards came together in St. Louis to discuss their common problems in transporting bodies across state lines. In 1904, the second meeting of this organization adopted the name "The Joint Conference of Embalmer's Examining Boards and State Boards of Health." In 1928, the organization began to consider the question of accrediting schools of Mortuary Science and education and a system of grading schools was established. By 1934, 27 states had adopted rules and regulations that applicants for licensure had to be graduates of Conference approved schools. In 1930, the Conference established the first National Board Examination which was sent directly to State Boards for grading. By 1932, an exam marking committee was established to grade the exams and report the results back to the respective State Boards. In 1940, the organization's name was changed to "The Conference of Funeral Service Examining Boards of the United States," and in 1997, "International" was added to the name to reflect the Canadian membership. The offices of the Conference have been located in Illinois, Washington, Indiana, Utah, and presently in Arkansas.

PEARSON VUE

<http://www.pearsonvue.com/icfseb/>

Pearson VUE is built on a foundation of experience in electronic testing. Pearson is the selected vendor of the International Conference at this time.

Pearson's computer-based testing business unit, serves the Information Technology industry and the Professional Certification, Licensure, and Regulatory markets. From operational centers in the United States, Australia, Japan, the United Kingdom, India and China, the business provides a variety of services to the electronic testing market. Currently serving over 151 countries, Pearson VUE operates more than 4,000 Authorized Centers in its rapidly expanding network. Pearson VUE also owns and operates over 230 Pearson Professional Centers throughout the world, serving professional licensing and certification sponsors.

COMPUTERIZED EXAMINATIONS

As you are aware, the State Board of Embalmers and Funeral Directors has been working on the implementation process for computerized examinations. The computerized examinations became effective with the Missouri State Board on October 1, 2007. We have provided an overview of this process as listed below.

1. Contact our office when you are eligible and/or interested in taking the Missouri Arts and/or Law at 573/751-0813.
2. Upon approval, you will be issued a Certificate of Eligibility for the Missouri Arts and/or Law examination(s). Each exam will have their own eligibility certificate. Upon receiving this certificate, you will need to sign, include payment (cashier's check, money order or credit card payment) and mail or fax to the International Conference of Funeral Service Examining Boards (Conference).
3. Allow 7 working days from mailing, or faxing, your eligibility certificate to the Conference to allow for processing, before contacting the Pearson Scheduling Center at 1-800-709-0180 to schedule your examination(s). You do not need to call the Board or Conference after submission and during the required processing days.
4. Please become familiar with the Conference website references:
<http://www.theconferenceonline.org/order-sbe-sg.shtml>, <http://www.theconferenceonline.org/students-nbe.shtml>
category "Order Products and Services" and "For Students". This website will assist you in understanding the computerized examination process, ordering study guides, scheduling and test center locations. The Missouri Law does not have a study guide. Please review and study your Missouri law book issued by the State Board.
5. When you take a computerized examination, you will know immediately if you have successfully completed the examination. Once the board office receives the results of your examination(s), and all requirements for licensure have been met, your license(s) will be issued by the Board office.
6. If you do not successfully complete the examination, you will know immediately. Once the Board office receives your results, we will send you another certificate of eligibility form. There is a mandatory 30-day waiting period between all examinations.
7. Please note, even after reviewed and approved by the Board, it will take additional time for processing your application and scheduling of examinations. The Board wants to ensure you are aware of the timeframes of processing, as we will have no ability to waive scheduling and payment guidelines, as set by the Conference.
8. Missouri testing centers have been provided for your information. Examinations are administered from 8:00 am to 5:30 pm Monday through Friday at Pearson Professional Centers.
9. The Missouri Arts examinations is \$150, the Missouri Law examinations is \$120. NO fees for examinations are paid to our office, only to the Conference.
10. The Board will continue to conduct oral embalmer examinations at board meetings and the board office, upon eligibility and scheduling availability.
11. Please start your examination process as soon as possible, please do not wait until the last few months of your apprenticeship, as a particular date and/or site cannot be guaranteed. Examination sites are based upon availability.
12. Please contact our office at 573/751-0813 with any questions regarding the examination process.
13. SUPERVISORS AND FUNERAL ESTABLISHMENTS: Encourage your apprentices to start the examination process as soon as eligible and not to wait until the last few months of their apprenticeship.
14. APPRENTICES: Please start your examination process as soon as eligible and follow the application process, no waivers no exceptions can be granted.

Computerized Examinations *continued...*

International Conference of Funeral Service Examining Boards (Conference):
The Conference
1885 Shelby Lane
Fayetteville, AR 72704

Phone: 479.442.7076 • Fax: 479.442.7090

Official Picture Identification with Signature

Issued by a governmental agency, such as a permanent, current or unexpired driver's license; U.S. passport; or Federal, State, County or City Employee I.D. card. **NOTE: A student I.D. card is not considered official identification.**

Secondary Identification

A second form of identification with your **signature** on it. This can be a credit card with signature, social security card with signature, a student I.D. card with signature, a membership card (i.e., Sam's Card, PACE Card, etc.) or a notarized photograph with signature.

Registration Confirmation

You will receive a letter from Pearson VUE confirming your test appointment. You may want to bring this letter with you in case any questions arise as to your scheduled location and time.

Note: Both forms of identification must match the name on your Certificate of Eligibility identically. If you arrive to test with forms of ID that do not match the name on your Certificate of Eligibility identically you will not be allowed to test and you will have to reregister and pay The Conference the applicable examination fees before you will be allowed to schedule another examination.

Applicants for the National Board Examination, Missouri Arts Examination, or the Missouri Law Examination must be acutely aware of the importance of being prepared in advance for the Examinations. Make sure you know the site location, room, and reporting times in advance. Make sure you have all required items (including identification) before you leave for the exam site. Please be on time for the exam as students who show up late will not be admitted to the exam and fees will NOT be refunded.

If you need to cancel or reschedule your examination appointment, you must contact Pearson VUE at least 24 hours prior to examination date. If you do not give Pearson VUE the required 24 hours notice, you will forfeit the exam fee.

THERE ARE NO EXCEPTIONS TO THIS POLICY FOR ANY REASON!!!

Pearson Professional Centers-Columbia, MO

3610 Buttonwood Drive, Suite 102 A, Buttonwood Building,
Columbia, Missouri 65201 • 573-449-0524

Pearson Professional Centers-Kansas City, MO

9200 Ward Pkwy, Ward Parkway Corporate Centre, Suite 101
Kansas City, Missouri 64114 • 816-363-8571

Pearson Professional Centers-Springfield, MO

1111 S. Glenstone, Eleven Eleven Building Suite 2-103
Springfield, Missouri 65804 • 417-864-3033

Pearson Professional Centers-St. Louis, MO

1600 S. Brentwood Blvd, Center Forty Building, Suite 120
St. Louis, Missouri 63144 • 314-961-4551

YEAR END REPORT

FY 2004/2005/2006/2007

| <u>ACTIVE LICENSEES</u> | <u>2004</u> | <u>2005</u> | <u>2006</u> | <u>2007</u> |
|-----------------------------------|-------------|-------------|-------------|-------------|
| Temporary | 0 | 0 | 0 | 1 |
| Embalmers | 1156 | 1185 | 1099 | 1147 |
| Funeral Directors | 2473 | 2534 | 2331 | 2431 |
| Limited Funeral Directors | 0 | 0 | 11 | 12 |
| Funeral Establishments | 708 | 702 | 697 | 695 |
| Preneed Providers | 643 | 628 | 616 | 612 |
| Preneed Sellers | 357 | 350 | 348 | 348 |
| Retired Embalmers | 20 | 0 | 13 | 0 |
| Retired Funeral Directors | 49 | 0 | 39 | 0 |
| Deceased Embalmers | 13 | 0 | 13 | 6 |
| Deceased Funeral Directors | 32 | 1 | 28 | 11 |

please note deceased as reported to us

APPLICATION PROCESS

FY2005 the Board received 224 applications for licensure, and issued 184 new licenses.

FY2006 the Board received applications for 104 funeral directors, 35 embalmers and 62 establishments

FY2007 184 applications: 2 limited, 104 funeral directors, 26 embalmers, 52 establishments. Licenses

Issued: 1 temp, 1 limited, 73 funeral directors, 26 embalmers, 51 establishments.

| <u>EXAMINATION ADMINISTRATION</u> | <u>2004</u> | <u>2005</u> | <u>2006</u> | <u>2007</u> |
|-----------------------------------|-------------|-------------|-------------|-------------|
| Missouri Law Examinations | 139 | 144 | 144 | 81 |
| State Board Arts Examinations | 60 | 51 | 59 | 76 |
| Embalmer Oral Examinations | 0 | 17 | 21 | 22 |

| <u>INSPECTIONS</u> | <u>2004</u> | <u>2005</u> | <u>2006</u> | <u>2007</u> |
|--------------------|-------------|-------------|-------------|-------------|
| Inspections | 537 | 690 | 676 | 660 |
| Violations | 125 | 127 | 85 | 83 |

MOST FREQUENT VIOLATIONS

License not displayed, Purchase agreements, Embalming Authorizations

| <u>COMPLAINTS</u> | <u>2004</u> | <u>2005</u> | <u>2006</u> | <u>2007</u> |
|--|-------------|-------------|-------------|-------------|
| Total Consumer Complaints | 59 | 100 | 55 | 46 |
| Board Has No Jurisdiction | 4 | 3 | 1 | 0 |
| Alleged Misconduct/ Misrepresentation/Dishonesty | 9 | 7 | 3 | 1 |
| Alleged Unprofessional Conduct | 12 | 13 | 35 | 23 |
| Alleged Violation of Chapter 436 RSMo | 34 | 68 | 12 | 21 |
| Unlicensed Practice | 0 | 2 | 2 | 1 |
| Not Timely | 0 | 2 | 0 | 0 |
| Fee Disputes | 0 | 5 | 2 | 0 |

YEAR END REPORT CONTINUED...

COMPLAINT HANDLING

| | <u>2004</u> | <u>2005</u> | <u>2006</u> | <u>2007</u> |
|--|-------------|-------------|-------------|-------------|
| Cases Referred to the Division for Investigation as Required in Chapter 436 RSMo | 4 | 3 | 71 | 30 |
| Cases Investigated and Referred to Attorney General for Action | 14 | 16 | 13 | 19 |
| Attorney General Issued Letter of Concern | 5 | 2 | 0 | 0 |
| Cases Investigated and Board Issued Letters of Concern | 49 | 37 | 3 | 28 |
| Cases Investigated/ Board Took no Further Action or No Jurisdiction | 30 | 36 | 31 | 133 |
| Cases Still Pending | 30 | 43 | 59 | 67 |
| Cases Investigated and Referred to Consumer Protection AG Office Discipline | 0 | 56 | 9 | 3 |
| Denials | 0 | 0 | 0 | 1 |

DISCIPLINE

| | <u>2004</u> | <u>2005</u> | <u>2006</u> | <u>2007</u> |
|--|-------------|-------------|-------------|-------------|
| License Revocation | 1 | 6 | 3 | 6 |
| Licenses Placed on Probation | 27 | 16 | 3 | 10 |
| Licenses Suspended | 10 | 4 | 0 | 4 |
| AGO Court Ordered Suspension | 0 | 0 | 1 | 0 |
| Licenses Suspended per 324.010 | 0 | 35 | 0 | 0 |
| Public Letter of Censure | 22 | 4 | 0 | 0 |
| Board Permanent Injunction | 0 | 0 | 1 | 0 |
| AGO Court Ordered Permanent Injunction | 0 | 0 | 2 | 0 |

In FY2005, the State Board of Embalmers and Funeral Directors initiated 170 investigations based on inspections, complaints and failure to renew licenses. Based on these investigations, 16 cases were referred to the Office of the Attorney General for the filing of a complaint with the Administrative Hearing Commission, as well as 56 cases were referred to the Consumer Protection Section of the Attorney General's Office (AGO).

In FY2006, the Board initiated 182 investigations based on inspections, complaints and failure to renew licenses. Based on these investigations, 13 cases were referred to the Office of the AG for the filing of a complaint with the Administrative Hearing Commission, as well as 9 cases were referred to the Consumer Protection Section of the AGO.

In FY2007, the Board initiated 83 investigations based on inspections, complaints and failure to renew licenses.

Based on these investigations, 10 cases were referred to the AGO for the filing of a complaint with the Administrative Hearing Commission, as well as 3 cases which were referred to the Consumer Protection Section of the AGO.

PRENEED SELLER ANNUAL REPORTING

| | <u>Registered Sellers/Contracts</u> | <u>Total Face Value</u> |
|-------------|-------------------------------------|-------------------------|
| 2004 | 24,180 | \$97,852,248.66 |
| 2005 | 23,302 | 98,057,066.66 |
| 2006 | 22,004 | 96,029,847.12 |

OVERVIEW OF RULE CHANGES

DISCLAIMER:

The most current laws and rules regulating the profession are contained in the State Board rule book mailed with this newsletter. For your information, an unofficial copy with the changes marked in color follow. The board maintains a link on its web site to the Secretary of State's web site, <http://www.sos.mo.gov/adrules/csr/current/20csr/20csr.asp#20-2120>, where you can always find a current version of the rules.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 1—Organization and Description of Board**

Effective 07/30/2007

20 CSR 2120-1.010 General Organization. The board is proposing to amend sections (4), (5), and (7), add new language in section (8) and renumber the remaining section.

PURPOSE: This amendment clarifies examination meetings and adds examination scheduling requirements.

- (1) Whenever used in this division, the word board means the State Board of Embalmers and Funeral Directors.
- (2) The board is a unit of the Division of Professional Registration *[in the Department of Economic Development]*.
- (3) The board is authorized by section 333.111.1, RSMo to adopt rules necessary for the transaction of its business and for the standards of service and practice to be followed in the professions of embalming and funeral directing.
- (4) The board has at least two (2) regularly scheduled business meetings each year and such other meetings as determined by the board. *[The board has at least two (2) regularly scheduled examination meetings each year and such other examination meetings as determined by the board.] The time and location for all board meetings [and examinations]* may be obtained by contacting the board office at PO Box 423, Jefferson City, MO 65102-0423.
- (5) *[All board meetings will be governed by Roberts' Rules of Order.]* The meetings of the board shall be conducted in accordance with Robert's Rules of Order, Newly Revised, 10th Edition, so far as it is compatible with the laws of Missouri governing this board or the board's own resolutions as to its conduct.
- (6) All board meetings will be open to the public except as provided by law.
- (7) Members of the public may obtain information from the board, or make submissions to the board, by writing the board *[s executive director]* at PO Box 423, Jefferson City, MO 65102-0423 or by visiting <http://pr.mo.gov/embalmers.asp>.
- (8) Examinations. After verification and approval by the board, application, scheduling, administration and payment for any examination required for licensure from the board shall be made to the board's testing service,

currently the International Conference of Funeral Service Examining Boards, Inc. The testing service shall approve applications upon the board's verification and approval.

(A) Notification of intent to take an examination shall be received by the board at least fifteen (15) working days prior to the date the candidate plans to sit for the examination, unless otherwise stated in a specific regulation. At its discretion, the board may waive such notice requirement for examination candidates for good cause, provided that no waiver can be provided by the board that may violate the rules of the testing service. If a reexamination is required or requested, there is a mandatory thirty (30) day waiting period between each Missouri reexamination date.

(B) All Missouri examinations may be provided in a computer based testing format, except oral examination. Oral examinations will be held at the location designated by the board. Other examinations shall be held at the locations designated by the testing service. A complete listing of the Conference's examination sites is at <http://www.cfseb.org> or is available at the board's office.

[(8)] (9) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

*AUTHORITY: sections 333.111 333.151.1and 536.023.3, RSMo * Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed June 9, 1982, effective Sept. 12, 1982. Amended: Filed Nov. 1, 2001, effective April 30, 2002. Amended: Filed Dec. 31, 2003, effective July 30, 2004. Amended: Filed*

PUBLIC ENTITY COST: This proposed amendment will reduce the State Board of Embalmers and Funeral Directors' Fund by approximately five thousand two hundred seventy five dollars (\$5,275) annually for the life of the rule. It is anticipated that the total savings will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE ENTITY COST: This proposed amendment will cost private entities an increase of approximately four thousand one hundred thirty dollars (\$4,130) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the . No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 1—Organization and Description of Board**

Effective 07/30/2007

20 CSR 2120-1.040 Definitions. The board is proposing to amend sections (1), (2), and (8), delete section (9), renumber the remaining sections accordingly, amend section (19) and add new language section (21).

PURPOSE: This amendment will allow currently licensed Missouri funeral directors who have passed the Missouri Funeral Service Arts examination to qualify for an embalmer's license without unnecessary delay or additional retaking the Missouri Funeral Service Arts examination.

- (1) Apprentice embalmer—an individual who is being trained as an embalmer under the immediate direction and personal supervision of a Missouri licensed embalmer for the “practice of embalming,” the work of preserving, disinfecting and preparing by arterial embalming, or otherwise, of dead human bodies or the holding of oneself out as being engaged in such work and has met the requirements for registration pursuant to sections 333.041 and 333.042, RSMo and **[4 CSR 120-2.010] 20 CSR 2120-2.010.**
- (2) Apprentice funeral director—an individual who is being trained as a funeral director in a Missouri licensed funeral establishment under the supervision of a Missouri licensed funeral director in the “practice of funeral directing,” the business of preparing, otherwise than by embalming, for the burial, disposal or transportation out of this state of, and the directing and supervising of the burial or disposal of, dead human bodies or engaging in the general control, supervision or management of the operations of a Missouri licensed funeral establishment and has met the requirements for registration pursuant to **[4 CSR 120-2.060] 20 CSR 2120-2.060.**
- (3) Board—Missouri State Board of Embalmers and Funeral Directors created by the provisions of Chapter 333, RSMo.
- (4) Corporation—a business entity incorporated under the laws of Missouri or any other state with authority to do business in the state of Missouri.
- (5) Cremation log—a written record or log kept in the cremation area available at all times in full view for a board inspector, which shall include the following:
 - (A) The name of the deceased to be cremated;
 - (B) The name of the Missouri licensed establishment where the body is cremated;
 - (C) The date and time the body arrived at the crematory;
 - (D) The date and time the cremation took place;
 - (E) The name and signature of the Missouri licensed funeral director supervising the cremation;
 - (F) The supervising Missouri licensed funeral director's license number; and
 - (G) The name of the Missouri licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.
- (6) Disinterment—removal of dead human remains from the ground, grave or tomb.
- (7) Embalmer—an individual holding an embalmer's license issued by the State Board of Embalmers and Funeral Directors.
- (8) Embalmer examination—an examination consisting of the following:

(A) National Board Funeral Service Arts Section developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board;

(B) In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the Board may accept successful completion of an examination administered by another state, territory or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination;

[(B)] (C) National Board Funeral Service Science Section developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board; and

[(C)] (D) Missouri Law Section.

[(9)] *Embalming log—a written record or log kept in the preparation/embalming room of a Missouri licensed funeral establishment available at all times in full view for a board inspector, which shall include the following:*

(A) The name of deceased to be embalmed;

(B) The Missouri licensed funeral establishment location;

(C) The date and time the dead human body arrived at the funeral establishment;

(D) The date and time the embalming took place;

(E) The name and signature of the Missouri licensed embalmer;

(F) The Missouri licensed embalmer's license number; and

(G) The name of the Missouri licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.]

[(10)] (9) Executive Director—executive secretary of the board.

[(11)] (10) Function—the purpose for which a physical location may be used.

[(12)] (11) Funeral ceremony—a religious service or other rite or memorial ceremony for a decedent.

[(13)] (12) Funeral director—an individual holding a funeral director license issued by the State Board of Embalmers and Funeral Directors.

[(14)] (13) Funeral director examination—an examination consisting of the following:

(A) Missouri Law Examination; and

(B) Missouri Funeral Service Arts Examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board; or

(C) National Board Funeral Service Arts Examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.

[(15)] (14) Funeral director-in-charge—an individual licensed as a funeral director by the State Board of Embalmers and Funeral Directors responsible for the general management and supervision of a Missouri licensed funeral establishment in the state of Missouri. Each Missouri licensed funeral establishment shall have a Missouri licensed funeral director designated as the funeral director-in-charge.

[(16)] (15) Funeral establishment—a building, place or premises licensed by the Missouri State Board of Embalmers and Funeral Directors devoted to or used in the care and preparation for burial, cremation or transportation of the human dead and includes every building, place or premises maintained for that purpose or

held out to the public by advertising or otherwise to be used for that purpose.

[(17)] (16) Funeral service—any service performed in connection with the care of a dead human body from the time of death until final disposition including, but not limited to

- (A) Removal;
- (B) Entering into contractual agreements for the provision of funeral services;
- (C) Arranging, planning, conducting and/or supervising visitations and funeral ceremonies;
- (D) Interment;
- (E) Cremation;
- (F) Disinterment;
- (G) Burial; and
- (H) Entombment.

[(18)] (17) Interment—burial in the ground or entombment of dead human remains.

[(19)] (18) Limited license—allows a person to work only in a funeral establishment which is licensed for only cremation including transportation of dead human bodies to and from the funeral establishment.

[(20)] (19) Preparation room—refers to the room in a Missouri licensed funeral establishment where dead human bodies are embalmed, bathed, and/or prepared for [cremation] final disposition.

[(21)] (20) Reciprocity examination—shall consist of the Missouri Law Examination.

(21) Register log—a written record or log kept in the preparation/embalming room of a Missouri licensed funeral establishment available at all times in full view for a board inspector, which shall include the following:

- (A) The name of the deceased;**
- (B) The date and time the dead human body arrived at the funeral establishment;**
- (C) The date and time the embalming took place, if applicable;**
- (D) The name and signature of the Missouri licensed embalmer, if applicable;**
- (E) The name and signature of the Missouri registered apprentice embalmer, if any;**
- (F) The Missouri licensed embalmer's license number, if applicable;**
- (G) The Missouri apprentice embalmer registration number, if any; and**
- (H) The name of the licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.**

(22) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 333.011 and 333.111, RSMo 2000. Original rule filed Dec. 31, 2003, effective July 30, 2004. Amended: Filed*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will save private entities approximately one thousand dollars (\$1000) annually for the life of the rule. It is anticipated that the total savings will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the . No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION**

**Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules**

Effective 07/30/2007

20 CSR 2120-2.010 Embalmer's Registration and Apprenticeship. The board is amending sections (1), (3), (4), (7), (8), (10)-(16), (22), (24) and (25).

PURPOSE: This amendment will allow currently licensed Missouri funeral directors who have passed the Missouri Funeral Service Arts examination to qualify for an embalmer's license without unnecessary delay or additional retaking the Missouri Funeral Service Arts examination.

- (1) Every person desiring to enter the profession of embalming dead human bodies within Missouri, and who is enrolled in an accredited institution of mortuary science, **[must] shall** complete a practicum as required by the accredited institution of mortuary science education.
- (2) For every person desiring to enter the profession of embalming dead human bodies within Missouri the board may conduct a criminal history background check through the Missouri State Highway Patrol. Applicants shall submit to the board the applicable fee for the criminal history background check as determined by the Missouri State Highway Patrol.
- (3) After registration with the board as a practicum student in an accredited institution of mortuary science education, the student may assist in a Missouri licensed funeral establishment preparation room only under the direct supervision of a Missouri licensed embalmer and may assist in the direction of funerals only under the direct supervision of a Missouri licensed funeral director. Each person desiring to be a practicum student shall register with the board as a practicum student on the form provided by the board in accordance with the requirements of the accredited institution of mortuary science prior to beginning the practicum. Applications **[must] shall** be accompanied by the applicable fee.
- (4) During the period of the practicum, the certificate of registration issued to the practicum student shall be displayed, **at all times**, in a conspicuous location accessible to the public at each funeral establishment where the practicum student is working.
- (5) The practicum student registration authorizes the registrant to engage in the practice of embalming only at the Missouri licensed funeral establishment(s) designated on the certificate of registration and only under

the direct supervision of a Missouri licensed embalmer. The practicum student may assist in the practice of funeral directing only under the direct supervision of a Missouri licensed funeral director and only at the Missouri licensed funeral establishment(s) designated on the certificate of registration. If during the course of the practicum, the practicum student wishes to work at a Missouri licensed funeral establishment other than as designated on the certificate of registration, the practicum student shall notify the board in writing of the name, location and Missouri licensed funeral establishment license number of the new Missouri licensed funeral establishment within ten (10) days of the change.

- (6) Upon successful completion of the practicum, the practicum student registration shall become null and void. A practicum shall be deemed successfully completed when the practicum student has achieved a passing grade on the practicum from the institution of mortuary science at which the practicum student is enrolled.
- (7) After graduating from an accredited institution of mortuary science education, the applicant then **[must] shall** file, with the board, an official transcript of his/her embalming school grades showing s/he is a graduate of that school. In addition, the applicant shall ensure that his/her **official copy of the** national board examination results are provided to the board in writing by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.
- (8) Effective **[June 1] July 30**, 2004 the Missouri State Board embalmers' examination shall consist of the National Board Funeral Service Arts section, the National Board Funeral Service Science section, and Missouri Law section. Application, **[and]** payment, **scheduling and administration** for the national board examinations will be made directly through the International Conference of Funeral Service Examining Boards, Inc., or **other** designee of the board. ***[Application and administration fees for the Missouri Law section shall be made directly to the board. Scheduling and payment for the Missouri Law section will be made directly to the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.]*** An applicant shall be exempt from the requirement of successful completion of the Missouri Law section if the applicant has successfully completed the Missouri Law section for another license within twelve (12) months of the date that the board receives the new application. **In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination results will be accepted, or the board may accept successful completion of an examination administered by another state, territory or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.**
- (9) The embalming examination shall cover knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative arts, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof.
- (10) An applicant **[must] shall** submit proof of having satisfied the requirements of the National Board Funeral Service Arts section and the National Board Funeral Service Science section of the examination by having his/her **official copy of the** scores from the International Conference of Funeral Service Examining Boards, Inc., or designee of the board transmitted to the board from the Conference. **In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.**

- (11) Those applicants achieving seventy-five percent (75%) on each of the three (3) sections of the embalming examination will be deemed to have passed the board's embalming examination. Any applicant who scores less than seventy-five percent (75%) on any section of the embalming examination may retake the failed section, upon application and payment of the administration and reexamination fees. On any reexamination of a single failed section, the applicant **[must] shall** score at least seventy-five percent (75%) to pass.
- (12) After the applicant has made a passing grade on the National Board Funeral Service Arts section and the National Board Funeral Service Science section of the embalming examination s/he then may apply for registration as an apprentice embalmer. **In lieu of the National Board Funeral Service Arts examination, successful completion of the Missouri Funeral Service Arts examination will be accepted, or the board may accept successful completion of an examination administered by another state, territory or province of the United States that is substantially equivalent or more stringent than the Missouri Funeral Service Arts examination.** This application **[must] shall** contain the name(s) of the Missouri licensed embalmer(s) under whom s/he will serve. Each supervisor must be licensed and registered with and approved by the board. Any change in supervisor shall also be registered and approved within ten (10) business days after the change has been made. Applications **[must] shall** be submitted on the forms provided by the board and **[must] shall** be accompanied by the applicable fee. Application forms are available from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.
- (13) Each apprentice embalmer shall provide to the board, on the application provided by the board, the name(s), location(s) and license number(s) of the **[Missouri]** licensed funeral establishment(s) where s/he is serving as an apprentice. If the apprentice embalmer begins work at any other **[Missouri]** licensed funeral establishment during the period of apprenticeship, the apprentice embalmer shall notify the board, on the form provided by the board, within ten (10) business days after the change has been made.
- (14) The period of apprenticeship under this rule [must] shall be at least twelve (12) consecutive months. The apprentice embalmer [must] shall devote at least thirty (30) hours per week to his/her duties as an apprentice embalmer. During the period of the apprenticeship, the certificate of registration issued to the apprentice shall be displayed, at all times, in a conspicuous location accessible to the public at each funeral establishment where the apprentice is working.
- (15) Prior to completion of the period of apprenticeship, the apprentice embalmer **[must] shall** achieve a grade of seventy-five percent (75%) or greater on the Missouri Law exam. **[administered by the board]**. This exam may be taken any time after graduating from an accredited institution of mortuary science, but **[must] shall** be successfully completed prior to appearing before the board for oral examination. The Missouri Law exam covers knowledge of Chapter 333, RSMo and the rules governing the practice of embalming, funeral directing and funeral home licensing, along with government benefits, statutes and rules governing the care, custody, shelter, disposition and transportation of dead human bodies. The Missouri Law section also contains questions regarding Chapter 436, RSMo relating to pre-need statutes and Chapter 193 and 194, RSMo relating to the Missouri Department of Health statutes, as well as questions regarding Federal Trade Commission rules and regulations and OSHA requirements as they apply to Missouri licensees. Notification of intent to take this section of the examination **[must] shall** be received by the board at least **[forty-five (45)] fifteen (15) working days prior to the date [of the next regularly scheduled] the candidate plans to sit for the** examination.
- (16) An affidavit provided by the board, signed by both the apprentice and the supervisor(s) verifying that the applicant has successfully completed the embalming of twenty-five (25) dead human bodies, **[must] shall** be submitted to the board at the time of completion of the apprenticeship period and prior to the oral examina-

tion.

- (17) After successful completion of the embalmer's examination and the embalmer apprenticeship as provided in these rules, the embalmer applicant shall appear for the oral examination. To appear for the oral examination, the embalmer applicant shall:
- (A) Submit an application on a form supplied by the board and pay the applicable fees to the board; and
 - (B) Successfully pass the oral examination administered by the board for licensure.
- (18) The oral examination shall be conducted by one (1) or more board members who hold a Missouri state embalmer license, or a member of the board staff that is a licensed embalmer, and shall be conducted in person at a place and time established by the board. The oral examination shall consist of no fewer than five (5) substantive questions related to the practice of embalming and/or the statutes, rules, and regulations governing embalming practice in the state of Missouri. Whether the applicant satisfactorily completes the oral examination shall be in the sole discretion of the board.
- (19) After satisfactory completion of these requirements, an embalmer's license shall be issued to an apprentice embalmer upon payment of the applicable fee and subject to the provisions of section 333.121, RSMo.
- (20) An applicant shall meet the requirements of the board for licensure within five (5) years of his/her graduation from an accredited institution of mortuary science. If the applicant fails to meet the requirements of the board within the required time, a new application and applicable fees shall be filed with the board and the applicant shall be required to appear for the oral examination within five (5) years of the new date of application. No previous practicum, apprenticeship, application or Missouri Law section will be considered for a new application. However, the successful examination results of the National Board Funeral Service Arts section and the National Board Funeral Service Science section, or designee of the board will be accepted.
- (21) A Missouri licensed embalmer may engage in the practice of embalming in the state of Missouri only in Missouri licensed funeral establishments. Each embalmer shall inform the board in writing of each funeral establishment name(s), location(s) and license number(s) where the embalmer is performing embalming.
- (22) A Missouri licensed embalmer has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty of, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, [for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under Chapter 333, RSMo, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude] whether or not sentence was imposed. This information [must] shall be provided to the board within thirty (30) days of being finally adjudicated or found guilty.
- (23) Any embalmer licensed by the board in the state of Missouri who wishes to become a licensed funeral director shall be required to comply with all requirements necessary for licensure as a funeral director, except, the Missouri licensed embalmer shall be exempt from the requirement of a funeral director apprenticeship.
- (24) Should an individual desire to obtain a Missouri embalmer's license after his/her license has become void under section 333.081.3, RSMo, the individual shall be required to make application, obtain a passing grade on the embalmer examination and shall be required to complete a six (6) consecutive month period of apprenticeship during which time s/he shall be required to embalm at least twelve (12) dead human bodies under the

supervision of a Missouri licensed embalmer. The applicant shall be required to pay the current applicable apprenticeship[,] and application[, *administration and examination*] fees to obtain a new embalmer's license under this section. No previous apprenticeship, application or examination will be considered for a new application under this section. However, the successful examination results of the National Board Funeral Service Arts section and the National Board Funeral Science section will be accepted.

- (25) *[All documents filed with the board under this rule shall become a part of its permanent files.] After successful completion of the embalmer's examination and the embalmer apprenticeship as provided in these rules, the embalmer applicant shall appear for the oral examination at a location specified by the board. To arrange for the oral examination, the embalmer applicant shall submit an application of a form supplied by the board and pay the applicable fees to the board. Applicants shall successfully pass the oral examination administered by the board for licensure.*
- (26) All certificates, registrations, and licenses, or duplicate copies thereof, issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in each office or place of business where they work, for inspection by any duly authorized agent of the board.
- (27) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

*AUTHORITY: section[s 333.041 and] 333.081, RSMo Supp. [2003] and , 333.091, 333.111, and 333.121, RSMo 2000. * Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Refiled March 26, 1976. Amended: Filed Aug. 16, 1976, effective Dec. 11, 1976. Amended: Filed April 6, 1978, effective July 13, 1978. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. For intervening history, please consult the . Amended: Filed.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules**

Effective 07/30/2007**20 CSR 2120-2.040 Licensure by Reciprocity. The board is proposing to amend sections (1)-(3), and (5).**

PURPOSE: This amendment clarifies and lessens the processing time for applicants.

- (1) Applications for a Missouri embalmer's or funeral director's license by reciprocity shall be made on the forms provided by the board and **[must] shall** be accompanied by the applicable fee. Application forms are available from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.
- (2) Any person holding a valid unrevoked and unexpired license to practice embalming or funeral directing in another state or territory, is eligible to obtain licensure by reciprocity by **[submitting to] meeting the following requirements of the board [the following]:**
 - (A) Evidence satisfactory to the board that the reciprocity applicant holds a valid, unrevoked, and unexpired license as an embalmer or funeral director in another state having substantially similar requirements to the requirements for licensure as either an embalmer or funeral director in this state including a copy of his/her original license issued by the other state;
 - (B) Proof of his/her educational and professional qualifications, which [must] shall be substantially equivalent to the requirements existing in Missouri at the time s/he was originally licensed;
 - (C) A **certificate of state endorsement [certified statement for] from** the examining board of the state or territory in which the applicant holds his/her license showing the grade rating upon which his/her license was granted, a statement whether the reciprocity applicant has ever been subject to discipline or if there are any complaints pending against the reciprocity applicant and a recommendation for licensure in Missouri;
 - (D) Evidence sufficient to the board that the applicant has achieved a score of seventy-five percent (75%) or better on the **National** Board Funeral Service Arts Examination and the **National** Board Funeral Service Science Examination provided by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board, if applying for an embalmer license or an embalmer and funeral director license; or
 - (E) Evidence sufficient to the board that the applicant has achieved a score of seventy-five percent (75%) or better on the National Board Funeral Service Arts Examination provided by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board, if applying for only a funeral director license; and
 - (F) [Evidence that the] The reciprocity applicant will be required to [has] successfully complete[d] the reciprocity examination with a score of seventy-five percent (75%) or better within twenty-four (24) months after the board's receipt of the reciprocity application. If an applicant by reciprocity has received either an embalmer or funeral director license from the board within twelve (12) months prior to applying for a license for which the reciprocity examination is required, that applicant will be exempt from taking the reciprocity examination for the second license;
 - (G) A completed application for licensure for reciprocity provided by the board; and
 - (H) Payment of applicable fees including the fee charged by the Missouri State Highway Patrol for a criminal history background check, as required by the board.
- (3) If the reciprocity applicant holds a license as an embalmer or funeral director in another state or territory with requirements less than those of this state, they may seek licensure in this state by **meeting the following requirements of [submitting to] the board [the following]:**
 - (A) **[A copy of his/her original license by the other state board;]** An official certification from another

- state or territory which verifies that the licensee holds a valid, unrevoked and unexpired funeral director or embalmer license in the other state or territory;
- (B) A copy of his/her original funeral director or embalmer license from the other state or territory in which the applicant is licensed;
- ~~[(B)]~~ (C) Proof of his/her educational and professional qualifications;
- ~~[(C)]~~ (D) *[Evidence that the]* The reciprocity applicant will be required to [has] successfully complete[d] the reciprocity examination with a score of seventy-five percent (75%) or better within twenty-four (24) months after the board's receipt of the reciprocity application. If an applicant by reciprocity has received either an embalmer or funeral director license from the board within twelve (12) months prior to applying for a license for which the reciprocity examination is required, that applicant will be exempt from taking the reciprocity examination for the second license;
- (D) Evidence that the reciprocity applicant has successfully completed the reciprocity examination with a score of seventy-five percent (75%) or better either within twelve (12) months prior to application or within twenty-four (24) months after the board's receipt of the reciprocity application;]
- (E) A completed application for licensure for reciprocity provided by the board; and
- (F) Payment of applicable fees including the fee charged by the Missouri State Highway Patrol for a criminal history background check, as required by the board.
- (4) Licensure by reciprocity may be given only for like license(s). An embalmer licensed in another state may obtain an embalmer license by reciprocity, but not a funeral director license unless that person is licensed as a funeral director in another state. A funeral director licensed in another state may obtain a funeral director license by reciprocity, but not an embalmer license unless that person is licensed as an embalmer in another state.
- (5) Applications **for reciprocity licensure** *[must] shall* be completed and received by the board at least *[forty-five (45)] thirty (30) days* prior to the date the candidate plans to sit for the *[of the next regularly scheduled]* examination and *[must] shall* be accompanied by the applicable *[administration]* fee. *[Scheduling payment for the examination will be made directly through the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.]* Applications are deemed complete upon submission of any and all requisite forms required by the board, payment of requisite fees, and submission of all materials required by this rule or supplemental materials requested by the board. Application forms can be obtained from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.
- (6) The board shall determine the sufficiency of the materials provided in the application for reciprocity and shall have the authority to make the final determination as to the standards and qualifications of the various states from which the applicants may be accepted by reciprocity and may reject any applicant on any lawfully permitted grounds.
- (7) All certificates, registrations, and licenses, or duplicate copies thereof, issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in the office(s) or place(s) of business, for inspection by any duly authorized agent of the board.
- (8) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Admin-

istrative Hearing Commission.

AUTHORITY: sections 333.051, 333.091 and 333.111, RSMo 2000. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Amended: Filed Aug. 16, 1976, effective Dec. 11, 1976. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. For intervening history, please consult the . Amended: Filed*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the . No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules**

Effective 07/30/2007

20 CSR 2120-2.050 Miscellaneous Rules. The board is proposing to amend sections (1) and add new language in section (3).

PURPOSE: This amendment clarifies that all documents filed with the board under this rule shall become part of the board's permanent files.

(1) All licensees may **be represented** *[themselves before the board without an attorney] before the board by an attorney.* If the licensee desires to be represented by an attorney, the attorney *[must]* **shall** be licensed to practice law in Missouri or meet the requirements of the Supreme Court with respect to nonresident attorneys.

(2) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

(3) All documents filed with the board shall become a part of its permanent files.

AUTHORITY: section 333.111, RSMo 2000. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Amended:*

Filed Aug. 16, 1976, effective Dec. 11, 1976. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed Nov. 1, 2001, effective April 30, 2002. Amended: Filed Dec. 31, 2003, effective July 30, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the . No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules**

Effective 07/30/2007

20 CSR 2120-2.071 Funeral Establishments Containing a Crematory Area. The board is proposing to amend sections (1), (3) and (5), delete section (8), renumber the remaining sections accordingly, amend the newly re-numbered sections (9) and (12), delete section (17), and add a new section (16).

PURPOSE: This amendment provides clarification relating to cremation containers.

(1) Definitions.

- (A) Cremated remains—the bone fragments which remain after the cremation process is completed.
- (B) Cremation—the technical heating process which reduces remains to bone fragments through heat and evaporation; ~~[the]~~ a final disposition of dead human remains.
- (C) Cremation box—a container into which cremated remains are placed for transportation or short-term storage.
- (D) Cremation chamber—the total **functioning** mechanical unit for the actual cremation process.
- (E) Cremation container—the case in which the human remains are delivered to the crematory area for cremation.
- (F) Crematory area—the building or portion of a building which houses the cremation chamber and the holding facility.
- (G) Holding facility—the area within the crematory area in which dead bodies are placed while awaiting cremation.
- (H) Short-term storage—storage for a period of thirty (30) days or fewer.
- (I) Urn—the receptacle into which the cremated remains are placed for other than transportation or short-term storage.

(2) No body shall be cremated in this state except in a funeral establishment licensed by the board as a Function

B establishment.

- (3) Each Missouri licensed funeral establishment that contains a crematory area shall maintain permanent records which shall include:
- (A) A written authorization for cremation executed prior to cremation by the person entitled to custody or control of the body which shows the time and date when authorization for cremation was given; and
 - (B) Information regarding the cremation which shall include:
 - 1. The full name of the deceased;
 - 2. The last place of residence of the deceased;
 - 3. The place of death of the deceased;
 - 4. The place of birth of the deceased;
 - 5. The date and place of the funeral;
 - 6. The name of the Missouri licensed funeral director, **other than a limited license funeral director**, with whom the arrangements were made;
 - 7. The name of the person(s) who made the arrangements with the Missouri licensed funeral director and the relationship to the deceased;
 - 8. The date and time when cremation was begun;
 - 9. The name and address of the person to whom the cremated remains were released or the location where the cremated remains were placed; and
 - 10. If the cremated remains were delivered or placed other than by an employee of the Missouri licensed funeral establishment, the name of the person who made the delivery or placement or the name of the business by which the cremated remains were shipped along with the receipt number.
- (4) Cremation log—a written record or log kept in the cremation area available at all times in full view, which will include the following:
- (A) The name of the deceased to be cremated;
 - (B) The name of the Missouri licensed establishment where the body is cremated;
 - (C) The date and time the body arrived at the crematory;
 - (D) The date and time the cremation took place;
 - (E) The name and signature of the Missouri licensed funeral director supervising the cremation;
 - (F) The supervising Missouri licensed funeral director's license number; and
 - (G) The name of the Missouri licensed funeral establishment or other that was in charge of making the arrangements if from a different location.
- (5) All records required to be maintained by this rule shall be maintained on the premises of the Missouri licensed funeral establishment **for [a minimum of the current calendar year and the proceeding calendar year] two (2) years from the date the record was created.** All documents required to be maintained by this rule may be maintained electronically, but all documents shall be stored in such a manner to allow access by the board, or its assignee, and so the board, or its assignee, may easily and timely obtain hard copies or electronic copies in a format easily readable by the board, or its assignee.
- (6) If the deceased gave written authorization to cremate and did not revoke the authorization, that authorization shall satisfy the requirement for authorization to cremate. If the deceased did not give written authorization to cremate, the next of kin of the deceased or the county coroner or medical examiner pursuant to Chapter 58, RSMo, may give authorization to cremate. Authorization to cremate given prior to the death may be in any written document, including a preneed contract. The next of kin, for purposes of this rule, shall be as defined

in section, 194.119.2, RSMo.

- (7) If the Missouri licensed funeral establishment receives no authorization for cremation from any of the persons identified in section (6) of this rule, the Missouri licensed funeral establishment may proceed with cremation if it has attempted to locate a person from whom authorization to cremate may be obtained for at least ten (10) days and it has a written statement from city, county, or state law enforcement officials that they have assisted the Missouri licensed funeral establishment in attempting to locate a person from whom authorization for cremation could be obtained but have been unable to locate such a person. However, the Missouri licensed funeral establishment may proceed with cremation prior to the elapse of twenty-four (24) hours if the deceased died as a result of a communicable disease, was subject to isolation at the time of death, and has not been properly embalmed in accordance with 19 CSR 20-24.010.

[(8) If a Missouri licensed embalmer proceeds to embalm a body under the provisions in accordance with the provisions of 4 CSR 120-2.070(21)a Missouri licensed funeral establishment which employs the Missouri licensed embalmer shall not require payment for the embalming unless the funeral arrangements that are subsequently made authorized the embalming.]

*[(9)] (8) The cremation chamber **shall be completely functioning at all times and** shall be constructed specially to withstand high temperatures and protect the surrounding structure. **A Function B establishment shall not be in violation of this rule if the cremation chamber is completely restored to functioning capacity within one hundred twenty (120) days from the date the cremation chamber ceases to be in compliance with this section. However, if there are extenuating circumstances and the cremation chamber could not be repaired, documentation of such shall be provided to the board for review and approval. Cremation chambers shall be maintained in proper working order and in compliance with all applicable Missouri Department of Health and Senior Services statutes, rules and regulations, Missouri Department of Natural Resources, statutes, rules and regulations, and all other applicable federal, city, county, and municipal statutes, rules and regulations.***

- (A) If a Function B has only one (1) cremation chamber and that chamber is not functioning, written notification shall be made to the board within ten (10) business days after the cremation chamber stops functioning.*
- (B) A Function B establishment that has a non functioning cremation chamber may arrange for cremation at another licensed establishment, if the use of an alternate establishment for purposes of cremation is disclosed to the person making the arrangements on the cremation authorization form.*

[(10)] (9) The crematory area shall include a work center area equipped with forced air ventilation adequate to protect the health and safety of the operator and any other person(s) present.

[(11)] (10) No person shall be permitted in the crematory area while any dead human body is in the crematory area awaiting cremation or being cremated or while the cremation remains are being removed from the cremation chamber except the Missouri licensed funeral director, employees of the Missouri licensed funeral establishment in which the body is being cremated, members of the family of the deceased and persons authorized by the members of the family of the deceased or any other person authorized by law.

[(12)] (11) When there is no Missouri licensed funeral establishment employee in the crematory area, the crematory area shall be secure from entry by persons other than Missouri licensed funeral establishment employees.

[(13)] (12) Each body [shall be] delivered to the crematory, if not already in a cremation container, plastic pouch, cardboard cremation container, casket made of wood or wood product or metal, shall be placed in such a pouch, container or casket. If a metal container or casket is used [the purchaser], the person making the arrangements [must] shall be informed by the Missouri licensed funeral director with whom the arrangements are made of the disposition of the metal container or casket after cremation, if not placed in the retort. The cremation container shall be composed of a combustible, nonexplosive, opaque material which is adequate to assure protection to the health and safety of any person in the crematory area. The casket or container shall be leak resistant if the body enclosed is not embalmed or if death was caused by a contagious disease.

[(14)] (13) The Missouri licensed funeral director with whom the arrangements are made shall make inquiry to determine the presence or existence of any body prosthesis, bridgework or similar items.

[(15)] (14) No body shall be cremated with a pacemaker in place. The Missouri licensed funeral director with whom the arrangements are made shall take all steps necessary to ensure that any pacemakers are removed prior to cremation.

[(16)] (15) No body shall be cremated until after a completed death certificate has been filed with the local registrar as required by section 193.175, RSMo.

[(17)] *Each cremation container or casket into which a body is placed shall be placed into the cremation chamber with the body and be cremated and each cremation box or urn into which the cremated remains are placed after removal from the cremation chamber shall be labeled clearly with the full name of the deceased and the name of the Missouri licensed funeral establishment with whom the arrangements were made.]*

(16) Except for metal containers or caskets, each cremation container or casket into which a body is placed shall be placed into the cremation chamber with the body and be cremated. If a metal container or casket is used, the purchaser shall be informed by the funeral director at the time the arrangements are made of the disposition of the metal container or casket after cremation, if the container or casket is not to be placed in the retort. Each cremation box or urn into which the cremated remains are placed after removal from the cremation chamber shall be labeled clearly with the full name of the deceased and the name of the Missouri licensed funeral establishment with whom the arrangements were made.

[(18)] (17) The remains of only one (1) body shall be in the cremation chamber at one (1) time unless simultaneous cremation has been authorized in writing by the person(s) entitled to custody or control of each body.

[(19)] (18) Following the completion of the cremation process, all residual of the cremation process including the cremated remains and any other matter shall be thoroughly removed from the cremation chamber prior to placing another body in the cremation chamber.

[(20)] (19) If the cremated remains do not fill the interior of the cremation box adequately, the extra space may be filled with shredded paper or clean absorbent cotton.

[(21)] (20) If the cremated remains will not fit within the receptacle designated in the arrangements, the remainder shall be placed in a separate receptacle or, if written permission is obtained from the person entitled to custody or control of the body, disposed of in some other manner.

- [(22)] (21)** The cremation box shall be composed of rigid materials which shall be sealed in order to prevent the leakage of cremated remains or the entry of foreign objects.
- [(23)] (22)** If the cremated remains are to be shipped, the cremation box shall be packed securely in a corrugated cardboard box which is securely closed with tape acceptable to the shipper.
- [(24)] (23)** Cremated remains shall be shipped only by a method which has an internal tracing system available and which provides a receipt signed by the person accepting delivery.
- [(25)] (24)** Each urn into which cremated remains are placed shall be made of a durable material which shall enclose the cremated remains entirely.
- [(26)] (25)** Each Missouri licensed funeral establishment which comes into possession of cremated remains, whether or not it is the Missouri licensed funeral establishment at which the cremation occurred, shall retain the cremated remains until they are delivered, placed or shipped pursuant to the instructions of the person(s) entitled to custody or control of the body. However, nothing in this rule shall prohibit a Missouri licensed funeral establishment from disposing of cremated remains in another fashion if the Missouri licensed funeral establishment has obtained written permission for other disposition contingent upon the Missouri licensed funeral establishment attempting to dispose of the cremated remains according to instructions but being unable to do so through no fault of the Missouri licensed funeral establishment and provided that other disposition shall not occur prior to thirty (30) days after cremation.
- [(27)] (26)** Nothing in this rule shall be construed to prohibit a Missouri licensed funeral establishment which contains a crematory area from establishing more restrictive standards for its own operation.
- [(28)] (27)** The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

*AUTHORITY: sections 333.061, RSMo Supp. [2003] and 333.111, 333.121 and 333.145, RSMo 2000. * Original rule filed May 29, 1987, effective Sept. 11, 1987. Amended: Filed Jan. 15, 1988, effective April 11, 1988. Amended: Filed April 16, 1990, effective Sept. 28, 1990. Amended: Filed Nov. 15, 1991, effective April 4, 1992. Amended: Filed Sept. 3, 1996, effective April 30, 1997. Amended: Filed Dec. 22, 1997, effective June 30, 1998. Amended: Filed Dec. 31, 2003, effective July 30, 2004.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this

notice in the . No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules**

Effective 07/30/2007

20 CSR 2120-2.090 Preparation Rooms/Embalming Room. The board is proposing to amend section (3), delete section (5), renumber the remaining sections accordingly, and amend the newly renumbered sections (6)-(11),

PURPOSE: This amendment provides clarification relating to plumbing in the embalming.

- (1) Whenever used in this rule, the phrase preparation room refers to that room in a Missouri licensed funeral establishment where dead human bodies are embalmed.
- (2) The following requirements for the maintenance and cleanliness of preparation rooms apply at all times, regardless of whether a dead human body is being embalmed or not.
- (3) Floors, Walls and Ceilings. All preparation room floor surfaces **[must] shall** be smooth, nonabsorbent materials and so constructed as to be kept clean easily. Floor drains **[must] shall** be provided where the floor is to be subjected to cleaning by flooding. All walls and ceilings **[must] shall** be easily cleanable and light colored, and **[must] shall** be kept and maintained in good repair. All walls shall have washable surfaces.
- (4) Each Missouri licensed establishment shall comply with Missouri Department of Health and Senior Services rules and regulations, Missouri Department of Natural Resources rules and regulations, and all other applicable county, city, municipal and state rules and regulations relating to plumbing, sewage and liquid waste, solid waste disposal and disposal of body parts.

[(5) Plumbing.

- (A) All plumbing must be sized, installed and maintained so as to carry adequate quantities of water throughout the Missouri licensed funeral establishment, prevent contamination of the water supply, properly convey sewage and liquid waste from the preparation room to the sewage disposal system and prevent creation of an unsanitary condition or nuisance.***
- (B) All plumbing must be sized, installed and maintained in accordance with local plumbing laws and ordinances. Where local codes are not in force, the Missouri licensed funeral director shall contact the International Code Council (ICC), Chicago District Office, or designee of the board, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 or current address, for additional requirements.]***

[6] (5) Sewage and Liquid Waste Disposal

- (A) All sewage and water-carried wastes from the entire Missouri licensed funeral establishment, including the preparation room, [must] shall be disposed of in a public sewage system or an approved disposal system which is constructed, operated and maintained in conformance with the minimum standards of***

the Department of Health and Senior Services.

(B) The following aspirators are approved for preparation rooms:

1. Electric aspirators;
2. Water-operated aspirators. All water-operated aspirators shall be protected from back siphonage by the minimum of an atmospheric vacuum breaker approved by the American Society of Sanitary Engineering or by the Uniform Plumbing Code and installed a minimum of twelve inches (12") above the maximum possible height of the embalming table; and
3. Water-controlled unit. All water-controlled units shall be installed and maintained according to the Uniform Plumbing Code, and properly protected from back siphonage with a backflow prevention device approved by the American Society of Sanitary Engineering or the Uniform Plumbing Code.

[(7)] (6) Solid Waste Disposal.

(A) Refuse, bandages, cotton and other solid waste materials [must] shall be kept in leakproof, nonabsorbent containers which [must] shall be covered with tight-fitting lids prior to disposal.

(B) All waste materials, refuse, and used bandage and cotton [must] shall be destroyed by reducing to ashes through incineration or [must] shall be sterilized and buried. Sterilization may be accomplished by soaking for thirty (30) minutes in a solution of five percent (5%) formaldehyde, one (1) pint of formalin to seven (7) pints of water.

[(8)] (7) Disposal of Body Parts. Human body parts not buried within the casket [must] shall be disposed of by incineration in a commercial or industrial-type incinerator or buried to a depth which will insure a minimum of three feet (3') of compacted earth cover (overlay).

[(9)] (8) A mechanical exhaust system is required. Care [must] shall be taken to prevent the discharge of exhaust air into an area where odors may create nuisance problems.

[(10)] (9) All preparation rooms and all articles stored in them [must] shall be kept and maintained in a clean and sanitary condition. All embalming tables, hoppers, sinks, receptacles, instruments and other appliances used in embalming or other preparation of dead human bodies [must] shall be so constructed that they can be kept and maintained in a clean and sanitary condition. The following minimum standards shall apply:

- (A) An eye wash kit (bank) or suitable facilities for quick drenching or flushing of the eyes shall be provided within the area for immediate emergency use;
- (B) Facilities [must] shall exist for the proper disinfection of embalming instruments and the embalming table;
- (C) Facilities for the proper storage of embalming instruments [must] shall be maintained. At a minimum, a chest or cabinet [must] shall be used for the storage of embalming instruments;
- (D) All types of blocks used in positioning a dead human body on an embalming table [must] shall be made of nonabsorbent material. All wooden blocks [must] shall be sealed and painted with enamel; and
- (E) When not in use, embalming tables [must] shall be cleaned, disinfected and covered with a sheet.

[(11)] (10) Food and Beverages.

(A) There may be no direct opening between the preparation room and any room where food and beverages are prepared or served.

(B) The Department of Health and Senior Services sanitation laws and rules governing food sanitation apply to the operation, construction and sanitation of food service facilities, where provided for the comfort and convenience of a funeral party; provided, however, that coffee service utilizing single-service cups

and spoons and a coffeemaker of easily cleanable construction shall be deemed acceptable where this service is the only food service offered.

- (C) A Missouri licensed funeral home providing coffee service utilizing single-service items and coffee-makers of easily cleanable construction [must] shall provide a water supply faucet at a suitable sink of easily cleanable construction for the filling and cleaning of this equipment in an area separate from the preparation room and restrooms.

[(12)] (11) A separate wash sink (separate from slop drain sink) [must] shall be present or in close proximity to the preparation room for a personal hand wash facility for Missouri licensed embalmers and the disinfecting of embalming equipment. If the wash sink is not present in the preparation room, it shall be in a location close to the preparation room which is not accessible to the public and it shall be at a distance of no further than ten feet (10') from the door of the preparation room.

[(13)] (12) Preparation rooms shall contain only the articles, instruments, and items that are necessary for the preparation, embalming, and final disposition of dead human bodies.

[(14)] (13) Preparation rooms shall be secured with a functional lock so as to prevent entrance by unauthorized persons.

[(15)] (14) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

*AUTHORITY: section[s 192.020 and] 333.111.1, RSMo 2000 and 333.061, RSMo Supp. [2003]. * Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Refiled March 24, 1976. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. For intervening history, please consult the.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the . No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION**

**Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules**

Effective 07/30/2007

20 CSR 2120-2.100 Fees. The board is proposing to amend section (1).

PURPOSE: This amendment eliminates examination administration fees.

(1) The following fees hereby are established by the State Board of Embalmers and Funeral Directors:

| | |
|---|----------------------|
| (A) Embalmer Practicum Student Registration Fee | \$ 25.00 |
| [(B) Embalmer State Board Examination Administration Fee | \$ 25.00] |
| [(C)] (B) Embalmer Application Fee | \$200.00 |
| [(D)] (C) Embalmer Oral Examination Fee | \$125.00 |
| [(E)] (D) Embalmer Reciprocity Application Fee | \$300.00 |
| [(F)] (E) Embalmer Biennial Renewal Fee | \$200.00 |
| [(G) Missouri Law Examination Administration Fee | \$ 25.00] |
| [(H)] (F) Funeral Director Application Fee | \$200.00 |
| [(I)] (G) Funeral Director Limited License Application Fee | \$200.00 |
| [(J) Funeral Director Missouri Funeral Service Arts Section Examination Administration Fee | \$ 25.00] |
| [(K)] (H) Funeral Director Reciprocity Application Fee | \$300.00 |
| [(L)] (I) Funeral Director Biennial Renewal Fee | \$200.00 |
| [(M)] (J) Reactivation Fee (up to one (1) year after lapse) | \$100.00 |
| [(N)] (K) Reactivation Fee (up to two (2) years after lapse) | \$200.00 |
| [(O)] (L) Establishment Application Fee | \$300.00 |
| [(P)] (M) Amended Establishment Application Fee | \$ 25.00 |
| [(Q)] (N) Establishment Biennial Renewal Fee | \$250.00 |
| [(R)] (O) Reciprocity Certification Fee | \$ 10.00 |
| [(S) Reciprocity Examination Administration Fee | \$ 25.00] |
| [(T)] (P) Duplicate Wallhanging Fee | \$ 10.00 |
| [(U)] (Q) Collection Fee for Bad Checks | \$ 25.00 |
| [(V)] (R) Law Book Requests | \$ 5.00* |
| [(W)] (S) Examination Review Fee | \$ 25.00 |
| [(X)] (T) Background Check Fee | |

(amount determined by the Missouri State Highway Patrol)

*This fee will not apply to the initial copy of the law book which is automatically mailed to all applicants for licensure and to educational institutions of mortuary science. Furthermore, this fee will not be charged to licensees or any other individual, for additions or corrections to the law book after the initial copy is mailed.

- (2) All fees are nonrefundable.
- (3) The provisions of this rule hereby are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force, unless otherwise determined by a court of competent jurisdiction or by the

Administrative Hearing Commission.

AUTHORITY: section 333.111.1, RSMo 2000. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. Emergency amendment filed April 7, 1982, effective April 17, 1982, expired Aug. 14, 1982. Amended: Filed April 13, 1982, effective July 11, 1982. Amended: Filed June 9, 1982, effective Sept. 12, 1982. For intervening history, please consult the .*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the . No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2120-2.060 Funeral Directing. The board is proposing to amend subsections (1)(E) and (G), sections (2), (3), (5), (8), (10), (11), (15), (16) and (17), add new language in section (18), renumber the remaining sections accordingly, amend the newly renumbered sections (19), (24), (26) and (28), and add new language in section (29) and renumber the remaining section.

PURPOSE: This amendment clarifies relating to the practice of funeral directing. This amendment also makes gender corrections throughout the rule.

(1) Every person who desires to enter the profession of funeral directing in Missouri and who is not entitled to a license under section 333.051, RSMo shall provide the following to the board:

- (A) Proof of being at least eighteen (18) years of age;
- (B) Proof of possession of a high school diploma or equivalent;
- (C) Evidence of being a person of good moral character;
- (D) Proof of satisfactory completion of each section of the funeral director's examination;
- (E) Affidavit of completion of a twelve (12) consecutive month apprenticeship; or official transcript and documentation indicating **[s/he] he/she** is a graduate of an institute of mortuary science accredited by the American Board of Funeral Service Education or any successor organization recognized by the United States Department for Funeral Service Education; or has successfully completed a course in funeral directing offered by a college accredited by a recognized national, regional or state accrediting body and approved by the State Board of Embalmers and Funeral Directors; or proof of being a Missouri licensed embalmer;
- (F) Completed application form provided by the board;
- (G) Proof of successful completion of the National **Board** Funeral Service Arts **examination or the Missouri Funeral Service Arts examination**, if applicable;
- (H) Payment of all applicable fees;
- (I) Satisfactory criminal history background check as provided to the board by the Missouri State Highway Patrol. Applicants shall submit to the board the applicable fee for the criminal history background check as determined by the Missouri State Highway Patrol; and
- (J) Any other information the board may require.

(2) Every person who desires to enter the profession of funeral directing in Missouri and who is not entitled to a license under section 333.051, RSMo, shall make application with the board for a Missouri funeral director license on the forms provided by the board and shall pay the funeral director application **[and the administration] fee[s for the Missouri Law examination and Missouri Funeral Service Arts examination]** directly to the board. **[The scheduling and payment of the examinations will be made through the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.]** If the applicant has successfully completed the National **Board** Funeral Service Arts examination, no Missouri Funeral Service Arts examination is required. **[, and no Missouri Funeral Service Arts examination fee may be applicable.]** Application forms can be obtained from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.

(3) Effective **[June 1] July 30**, 2004 the funeral director examination **developed [administered]** by the **[board]**

International Conference of Funeral Service Examining Boards, Inc., or designee of the board, shall consist of the Missouri Law section and the Missouri Funeral Service Arts section **[developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board]**. In lieu of the Missouri Funeral Service Arts examination, successful completion of the National **Board** Funeral Service Arts examination results will be accepted.

(4) To serve as an apprentice funeral director, the applicant shall file with the board a completed funeral director application on the form prescribed by the board and also shall complete an application to be registered as an apprentice funeral director on the form prescribed by the board and pay all applicable fees. Application forms and a list of fees can be obtained from the board office or on the board's website at <http://pr.mo.gov/embalmers.asp>.

(5) Upon registration and payment in full of all applicable fees, the board shall issue the apprentice funeral director applicant a funeral director apprentice registration. This registration authorizes the apprentice registrant to engage in the practice of funeral directing under the supervision of a Missouri licensed funeral director. The funeral director apprentice registration, or a copy thereof, shall be displayed, **at all times**, in a conspicuous location accessible to the public at each establishment where the apprentice is working.

(6) The funeral director apprentice registration authorizes the registrant to engage in the practice of funeral directing only during the period of apprenticeship. Once the apprenticeship is successfully completed as defined in this rule, the funeral director apprentice registration shall become null and void. Any Missouri licensed funeral director who allows a former apprentice who has completed his/her apprenticeship to engage in the practice of funeral directing before that apprentice is fully licensed shall be subject to discipline for misconduct under section 333.121.2, RSMo.

(7) Each registered funeral director apprentice shall provide to the board, on the application prescribed by the board, the name(s), location(s) and license number(s) of each funeral establishment(s) where they are serving as an apprentice. The funeral director apprenticeship may be served at a funeral establishment licensed by a state, other than Missouri, upon submission of proof to the board that the out-of-state funeral home is licensed for the care and preparation for burial and transportation of human dead in this state or another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirement for admission to practice funeral directing in this state. **The funeral director apprenticeship shall be served under the supervision of a Missouri licensed funeral director.** If the funeral director apprentice changes funeral establishments during the course of the apprenticeship, the apprentice shall notify the board, on the form prescribed by the board, of the name(s), location(s) and funeral establishment(s) license number of the new apprenticeship location within ten (10) business days after the change has been made.

(8) Successful completion of a funeral director apprenticeship shall consist of the following:

(A) Completed service as an apprentice funeral director for a period consisting of at least twelve (12) consecutive months in a Function C funeral establishment; and

(B) Filing with the board a notarized affidavit(s) signed by the apprentice and his/her supervisor(s) that **[s/he] he/she** has arranged for and conducted a minimum of ten (10) funeral ceremonies under the supervision of a Missouri licensed funeral director.

(9) An apprentice will be eligible to take the funeral director examination after completion of the twelve (12) consecutive month period of apprenticeship.

(10) An applicant will be deemed to have successfully completed the funeral director examination when a score of

seventy-five percent (75%) or better is achieved on each section. If the applicant fails a section of the examination, the applicant shall be permitted to retake that section of the examination. **[upon application and payment of the administration fee to the board. Scheduling and payment of the examination fee will be made through the International Funeral Service Examining Boards, Inc., or designee of the board.]**

(11) All notifications for the funeral director's examination **[must] shall** be in writing and received by the board at least forty-five (45) days prior to the date **[of the next regularly scheduled] the candidate plans to sit for the examination [and must be accompanied by all applicable fees].**

(12) A college accredited by a recognized national, state, or regional accrediting body may seek the approval of the State Board of Embalmers and Funeral Directors for a course of study in funeral directing by submitting a description of the program, the college catalog listing the course of study and evidence that the program has been approved to be offered in that institution by the administration of the college and the Missouri Coordinating Board for Higher Education.

(13) An applicant shall be exempt from the requirement of successful completion of the Missouri Law examination if the applicant has successfully completed the Missouri Law examination for another license within twelve (12) months of the date that the board receives the new application.

(14) ~~It shall be considered misconduct in the practice of funeral directing for a] A Missouri licensed funeral director shall not [to] permit any unlicensed person to engage in, or take charge of, the activities for which a license is required by law:~~

Any funeral director that allows an unlicensed person to make at-need arrangements for the transportation or removal of a dead human body for or on behalf of the funeral director, shall supervise the unlicensed person and shall be responsible for the conduct of the unlicensed person. This section shall not be construed to allow any unlicensed person to perform any other act for which a license is required by Chapter 333, RSMo.

(15) A Missouri licensed funeral director shall be present and personally **[must] shall** supervise or conduct each funeral ceremony conducted by or from a Missouri licensed funeral establishment. A violation of this section will be considered misconduct in the practice of funeral directing.

(16) A Missouri licensed funeral director shall be present and personally **[must] shall** supervise any disinterment, interment, entombment, or cremation as defined in **[4 CSR 120-1.040] 20 CSR 2120-1.040 conducted by a Missouri licensed funeral establishment. However, nothing in this rule shall be interpreted as requiring the presence of a Missouri licensed funeral director if the person(s) having the right to control the incidents of burial request otherwise.** If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director's presence may not be required. A violation of this section shall be deemed misconduct in the practice of funeral directing.

(A) Once the body has been delivered to a cemetery for the purpose of interment or to a crematory for the purpose of cremation and after any funeral ceremonies have been complete[d], the Missouri licensed funeral director is not required to stay with the body[.]

(B), ~~but n]~~ Nothing in this rule shall be interpreted as requiring the Missouri licensed funeral director to leave the cemetery before disposition is complete. Furthermore, nothing in this rule shall be interpreted as relieving the Missouri licensed funeral director of any responsibilities **[s/he] he/she** has under his/her contract with the person(s) having the right to control the incidents of burial.

(17) **Any licensed funeral establishment or funeral director that makes arrangements for [A]an unlicensed**

person [may] **to** transport dead human bodies [from the place of death to another location] **within the State of Missouri**, or [may transport dead human bodies] out of this state, [if these services are performed under the direction of a Missouri licensed funeral establishment] **is responsible for the conduct of the unlicensed person.**

(18) A funeral director or funeral establishment licensed in another state that enters the state of Missouri solely for the purpose of transporting a dead human body through Missouri to another state, country or territory, shall not be deemed to be in the practice of funeral directing or required to obtain a license from the board. This regulation does not exempt any person or entity from complying with any applicable statutes or regulations governing the transportation of dead human bodies, including, but not limited to, Chapters 193 and 194, RSMo.

[(18)](19) A [No person other than a] Missouri licensed funeral establishment or funeral director shall not allow an unlicensed person [be allowed] to make the following at-need arrangements with the person having the right to control the incidents of disposition:

(A) ~~Removal of a dead human body~~, Arrangements for final disposition, supervision of visitation and memorial ceremony, grave attendance, cremation, entering into a contractual relationship for performance of any other funeral services; **[and]**

(B) Embalming, cremation, care, **or preparation; and[,] shipment or transportation of a dead human body]**

(C) Nothing in this subsection shall be construed to apply to persons exempt from Chapter 333, RSMo.

[(19)](20) The taking of preliminary information by an unlicensed person will not be construed as the making of at-need funeral arrangements under this rule.

[(20)](21) [Whenever an unlicensed person makes other than at-need funeral arrangements on behalf of a Missouri licensed funeral director or Missouri licensed funeral establishment, the unlicensed person shall be under the supervision and control of a Missouri licensed funeral director at all times.]

[(21)](22) (21) No temporary Missouri funeral director license authorized under section 333.041.7, RSMo will be issued until the board has been advised as to the location of the Missouri licensed funeral establishment at which the temporary funeral director's license will be used. The holder of the temporary license shall be authorized to only work at the Missouri licensed funeral establishment(s) where the deceased and/or disabled Missouri licensed funeral director was authorized to work. Violation of this rule will be deemed unauthorized practice of funeral directing.

[(22)](23) (22) The business and practice of funeral directing may be conducted only from a fixed place or establishment which has been licensed by the board.

[(23)](24) (23) Limited License.

(A) A person holding a limited license shall **only** be allowed to work **[only]** in a funeral establishment **that is** licensed **[only]** as a Function B **[funeral] establishment (cremation only)**. **[It shall be lawful for a limited licensee to engage in any act of funeral directing at a function B funeral establishment including transportation of dead human bodies to and from the funeral establishment.] A limited funeral director shall only engage in the activities of funeral directing authorized for a Function B funeral establishment.**

(B) Every person desiring a limited license shall provide the following to the board:

1. Proof of being at least eighteen (18) years of age;
2. Proof of possession of a high school diploma or its equivalent;
3. Evidence of being a person of good moral character;
4. Proof of successful completion by achieving a score of seventy-five percent

(75%) or better on the Missouri Law examination;

5. Completed application form as provided by the board;

6. Payment of applicable fees;

7. Payment of any fee charged by the Missouri Highway Patrol for a criminal history background check; and

8. Any other information the board may require.

(C) Every limited licensee shall provide the board with the name, location and license number of each **Function B** funeral establishment where **[she/he] he/she** is employed.

(D) A limited licensee shall be obligated to comply with all Missouri laws governing funeral directors subject to the limitations imposed by this rule and section 333.042.2, RSMo.

(E) If a limited licensee desires to obtain a full funeral director's license, the licensee shall be required to complete an apprenticeship consisting of at least twelve (12) consecutive months as required by section 333.042.2, RSMo, and accompanying regulations OR fulfill the education requirements set forth in section 333.042.3, RSMo. The limited licensee shall also provide to the board proof of successful completion of the remaining sections of the funeral director examination as required by these regulations. **[The limited licensee shall not be required to retake the Missouri Law examination] The applicant shall be exempt from the requirement of successful completion of the Missouri Law section if the applicant has successfully completed the Missouri Law section within twelve (12) months of the date that the board receives the new application.**

[(24)] (25) (24) All certificates, registrations, and licenses, or duplicate copies thereof, issued by the State Board of Embalmers and Funeral Directors shall be displayed at all times in a conspicuous location accessible to the public in each office(s) or place(s) of business where they work, for inspection by any duly authorized agent of the board.

[(25)] (26) (25) Should an individual desire to obtain a Missouri funeral director's license after his/her license has become void under section 333.081.3, RSMo, the individual shall be required to make new application and pay all applicable fees to the board. No previous apprentice, application or examination will be considered for the new application. However, the board shall accept the successful completion of the National **Board** Funeral Service Arts **or the Missouri Funeral Service Arts** examination for new application.

[(26)] (27) (26) A Missouri licensed funeral director may engage in the practice of funeral directing in the state of Missouri only in Missouri licensed funeral establishments. Each Missouri licensed funeral director shall inform the board in writing, in a timely manner, of each Missouri licensed funeral establishment name(s), location(s) and license number(s) where the Missouri licensed funeral director is engaged in funeral directing.

[(27)] (28) (27) A Missouri licensed funeral director has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, **[for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude]** whether or not sentence was imposed. This information **[must] shall** be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

[(29)] (28) Person Deemed to be Engaged in the Practice of Funeral Directing.

(A) No person shall be deemed by the board to be engaged in the practice of funeral directing or to be operating a funeral establishment if the person prepares, arranges or carries out the burial of the dead human body of a member of one's own family or next of kin as provided by section 194.119, RSMo, provided that the activity is not conducted as a business or for business purposes.

(B) The board shall not deem a person to be engaged in the practice of funeral directing or to be operating a funeral establishment if the person prepares, arranges or carries out the burial of a dead human body pursuant to the religious beliefs, tenets or practices of a religious group, sect or organization, provided that the activity is not conducted as a business or for business purposes.

[(28)] (30) (29) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 333.041 and 333.042, RSMo Supp. **[2004] 2006** and 333.091, 333.111 and 333.121, RSMo 2000.* Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Amended: Filed Aug. 16, 1976, effective Dec. 11, 1976. Emergency amendment filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. For intervening history, please consult the

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via email to: embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the . No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2120-2.070 Funeral Establishments. The board is proposing to amend sections (1)–(3), (7)–(10), (13), (16), (18), (20), (22)–(28), add new language in section (28); renumber sections accordingly and amend newly renumbered section (29) accordingly.

PURPOSE: This amendment provides clarification and clean-up relating to the register log.

(1) Application for a Missouri licensed funeral establishment license shall be made on the forms provided by the board and **[must] shall** be accompanied by the appropriate fee. Applications are available from the board's office or the board's website at <http://pr.mo.gov/embalmers.asp>. Each application **[must] shall** indicate which license classification is being sought.

(2) There shall be the following license classifications:

(A) Function A establishments shall have authority to embalm dead human bodies and to transport dead human bodies to and from the funeral establishment. **An establishment licensed only as a Function A establishment is prohibited from the care and preparation of dead human bodies other than by embalming, and shall also be prohibited from making funeral arrangements or embalming arrangements with any unlicensed person, cremating, conducting visitations and funeral ceremonies, and furnishing any funeral service in connection with the disposition of dead human bodies, or selling of funeral merchandise.**

(B) Function B establishments shall have authority to cremate dead human bodies and to transport dead human bodies to and from the funeral establishment. This establishment **[must] shall** have **[an operating] a functioning** cremation chamber[.] **except as otherwise provided by Chapter 333, RSMo, and the rules of the board. An establishment licensed only as a Function B establishment is prohibited from the care and preparation of dead human bodies other than by cremating, and shall also be prohibited from embalming, making funeral arrangements or cremation arrangements with any unlicensed person, conducting visitations and funeral ceremonies, and furnishing any funeral service in connection with the disposition of dead human bodies or selling funeral merchandise. In no event shall any licensee or licensed establishment cremate human remains in the same retort used for cremating non-human remains.**

(C) Function C establishments shall have authority for the care and preparation of dead human bodies, other than by embalming or cremating, authority to transport dead human bodies to and from the funeral establishment, make funeral arrangements, and furnish any funeral services in connection with the disposition of dead human bodies or the sale of funeral merchandise.

(D) Function D establishments shall have authority to conduct visitations and funeral ceremonies only. A Function D license is dependent upon and **[must] shall** be operated under the supervision and ownership of a Function C establishment.

(3) If a Missouri licensed funeral establishment wishes to change or add to its classification, it shall file a new application for a Missouri licensed funeral

establishment indicating its new classification. If a Missouri licensed funeral establishment desires to eliminate one (1) of its functions, other than a Function C, it **[must] shall** notify the board in writing of its intention to surrender the function, but is not required to file a new application for a new Missouri licensed funeral establishment.

(4) A Missouri licensed funeral establishment shall not be used for any other business purpose other than as a Missouri licensed funeral establishment. It shall be permissible for a Missouri licensed funeral establishment to be in the same building as another business so long as the Missouri licensed funeral establishment has a separate entrance and a separate street address.

(5) A Missouri licensed funeral establishment shall be used only for the function for which it is licensed.

(6) Each application for a funeral establishment shall be made in the name of the person or business entity authorized to conduct business in Missouri. No license shall be issued to an establishment that has no legal recognition. **A Missouri licensed funeral establishment shall maintain a current and active authorization to conduct business in Missouri with the Missouri Secretary of State.**

(7) A funeral establishment application shall indicate the name and license number of the Missouri licensed funeral director-in-charge, as defined by **[4 CSR 120-1.040] 20 CSR 2120-1.040**. When the Missouri licensed funeral director-in-charge changes for a period of more than thirty (30) days, the new Missouri licensed funeral director-in-charge and the former Missouri licensed funeral director-in-charge, jointly or individually, shall notify the board of the change within thirty (30) days of the date when the change first occurs. Failure to notify the board shall be considered a violation of this rule on the part of each Missouri funeral director licensee and on the part of the Missouri licensed funeral establishment. A change in the Missouri licensed funeral director-in-charge does not require a new Missouri licensed funeral establishment license.

(8) Within thirty (30) days after an application for a Missouri licensed funeral establishment has been received in the board's office, the board shall cause the establishment to be inspected. The board shall act on the application and, within thirty (30) days after the application was received in the board's office, the applicant will be advised whether the license is granted or denied. If an applicant determines the establishment will not meet the qualifications for inspection or licensure within the thirty (30)-day application period, up to two (2) thirty (30)-day extensions of the application may be requested by the applicant in writing to the board before the application expires. Each request for an extension **[must] shall** be received by the board prior to the expiration of the application or extension period.

(9) The establishment license issued by the board is effective for a fixed place or establishment and for a specific name of a person or entity authorized to conduct business in Missouri and may include one (1) "doing business as" name. The license issued by the board shall be displayed in a conspicuous location accessible to the general public at that location. Whenever the ownership, location or name of the Missouri licensed establishment is changed, a new license **[must] shall** be obtained. If the Missouri licensed funeral establishment maintains a chapel, preparation room or other facility in a building or portion physically separated from and located at a place designated by an address differing from the office, chapel or other facilities of the applicant, the chapel, preparation room or other funeral facility otherwise located shall be deemed to be a separate funeral establishment. Nothing contained in this rule shall be construed or interpreted to require a separate registration for a building if it is joined or connected by a private passage, walk or driveway existing between the registered establishment and the other building.

(A) If a change of ownership is caused by the elimination of one (1) or more owners, for whatever reason (death, sale of interest, divorce, etc.) without the addition of any new owner(s), it is not necessary to obtain a new establishment license. However, a new application for an establishment license form shall be filed as an amended application within thirty (30) days after the change of ownership. This form shall be filled out completely with correct, current information.

(B) A corporation is considered by law to be a separate person. If a corporation owns a Missouri licensed funeral establishment, it is not necessary to obtain a new establishment license or to file an amended application for an establishment license if the owners of the stock change. However, as a separate person, if a corporation begins ownership of a Missouri licensed funeral establishment or ceases ownership of a Missouri licensed funeral establishment, a new establishment license **[must] shall** be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

(10) The professional business and practice of funeral directing shall be conducted only from a fixed place or establishment that has been licensed by the board except as permitted by section 333.071, RSMo. The Missouri licensed funeral establishment physical facility shall be under the general management and supervision of the Missouri licensed funeral director-in-charge. Every Missouri licensed funeral establishment **[must] shall** provide and allow access to any member or duly authorized agent of the board for the purpose of inspection as provided by sections 333.061 and 333.101, RSMo. If any representative of the Missouri licensed funeral establishment fails or refuses to provide or allow access, it shall be considered a violation of this rule by the Missouri licensed funeral establishment and by the Missouri licensed funeral director-in-charge of the Missouri licensed funeral establishment. Additionally, if the Missouri licensed funeral establishment representative who fails or refuses to provide or allow access holds any license or registration issued by this board, that person shall be in violation of this rule.

(11) No one licensed by this board may be employed in any capacity by an unlicensed funeral establishment. Violation of this section will be deemed misconduct in the practice of embalming or funeral directing.

(12) Only one (1) license will be issued by this board for any physical facility that is considered to be a Missouri licensed funeral establishment as defined by statute and rule. If a Missouri funeral establishment licensed by this board is destroyed by fire or some other disaster or act of God, the board, in its discretion, for a period of not more than six (6) months, may allow the Missouri licensed funeral establishment to continue its operation from another Missouri licensed funeral establishment or from a facility that has not been licensed as a funeral establishment if the facility meets the minimum requirements for the functions outlined in section (2) of this rule.

(13) A Missouri licensed funeral establishment may use only its registered name in any advertisement or holding out to the public.

(A) All signs, stationery and any advertising in newspapers, publications or otherwise, **[must] shall** include the name(s) of the Missouri licensed funeral establishment registered with the board. Advertisements that do not comply with this section shall be deemed misleading for the purposes of section 333.121, RSMo.

(B) It shall not be deemed to be misleading if a listing appears in a telephone directory or national directory if the name of the Missouri licensed funeral establishment changes after the listing has been placed, but before a new directory is published.

(14) The interior and exterior of the Missouri licensed funeral establishment physical plant shall be kept free and clean of litter, dirt, debris and clutter or other objects or conditions which present a potential or actual hazard to the health, safety or welfare of the public.

(15) The interior and exterior of the Missouri licensed funeral establishment physical plant shall be maintained in a manner that does not present a potential or actual hazard to the health, safety or welfare of the public.

(16) Each Missouri licensed funeral establishment used solely or partially for embalming shall contain a preparation room that shall be devoted to activities incident or related to the preparation or the embalming, or both, of dead human remains and shall be equipped and maintained as described in **[4 CSR 120-2.090] 20 CSR 2120-2.090**.

(17) No person shall be permitted in a preparation room during the course of embalming a dead human body except the employees of the Missouri licensed funeral establishment in that the human body is being embalmed, members of the family of the deceased, and persons authorized by the members of the family of the deceased, or any person otherwise authorized by law.

(18) Each Missouri licensed funeral establishment which is used solely or partially for cremations shall be equipped and maintained as described in **[4 CSR 120-2.071] 20 CSR 2120-2.071**.

(19) Each Function C establishment shall contain a separate area for the care and custody of dead human remains and a separate area for confidential conferences to arrange funeral services. The Function C establishment shall have on-site equipment necessary for arranging funeral services including tables or desks and chairs for funeral service arrangement conferences and file cabinets for the confidential storage of funeral records.

(20) Each Function C or Function D establishment shall contain a restroom, available drinking water, and an area where funeral ceremonies or visitations may be conducted. The establishment **[must] shall** be equipped with seating for visitations or funeral ceremonies, casket bier, register book stand, officiate stand, flower display stands and music-producing equipment.

(21) According to section 333.121.2(17), RSMo, the State Board of Embalmers and Funeral Directors may impose disciplinary action for failure to obtain authorization to embalm from the person entitled to custody or control of the body, if the body is embalmed. If the body is not embalmed, a Missouri licensed funeral establishment shall not hold the unembalmed body for any longer than twenty-four (24) hours unless the unembalmed body is refrigerated in a cooling unit at a temperature of forty degrees Fahrenheit (40° F) or cooler or encased in an airtight metal or metal-lined burial case, casket or box that is closed and hermetically sealed. If the deceased gave written authorization to embalm and did not revoke the authorization, the authorization shall satisfy this requirement. If the deceased did not give written authorization to embalm, the next of kin of the deceased may give authorization to embalm. Authorization to embalm may be given by the next of kin prior to the death of the person whose body is to be embalmed. Authorization to embalm given prior to death may be in any written document, including a preneed contract.

(A) The next of kin, for purposes of this rule, shall be as defined in section 194.119.2, RSMo.

(B) Any person or friend who assumes responsibility for the disposition of the deceased's remains if no next of kin assumes such responsibility may authorize to embalm the deceased;

(C) The county coroner or medical examiner pursuant to the provisions of Chapter 58, RSMo may authorize to embalm the deceased;

(D) If the body is required to be buried at public expense, the body shall be disposed of according to the terms of section 194.150, RSMo;

(E) If the Missouri licensed funeral establishment receives no authorization to embalm from any of the persons identified in subsections (21)(A), (B), or (C) of this rule, the Missouri licensed funeral establishment may proceed with embalming if it has attempted to locate a person from whom authorization to embalm may be

obtained for at least six (6) hours and it has a written statement from city, county, or state law enforcement officials that they have assisted the Missouri licensed funeral establishment in attempting to locate such a person. However, the Missouri licensed embalmer may proceed to embalm sooner if the condition of the body is such that waiting for six (6) hours would substantially impair the ability to effectively embalm the body or if the deceased died as a result of a communicable disease, was subject to isolation at the time of death; and

(F) If a Missouri licensed embalmer proceeds to embalm a body under the provisions of subsection (21)(E), the Missouri licensed funeral establishment which employs the Missouri licensed embalmer shall not require payment for the embalming unless the funeral arrangements that are subsequently made authorized the embalming.

(22) Each Missouri licensed funeral establishment shall maintain documentation of the following information regarding authorization to embalm a body which is embalmed by or on behalf of the Missouri licensed funeral establishment:

(A) When authorization to embalm is given in writing:

1. The name and signature of the person who is authorizing embalming;
2. The relationship of that person to the deceased;
3. The time and date authorization to embalm was given; and
4. The name and title of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment **;** and].

(B) Authorization to embalm **[must] shall** be given in writing if the person authorizing embalming is present in the Missouri licensed funeral establishment or in the physical presence of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment. If verbal authorization to embalm is given, the Missouri licensed funeral establishment shall document:

1. The name of the person who is actually authorizing embalming, if different from the person who is verbally communicating authorization to embalm to the Missouri licensed funeral establishment;
2. The relationship of that person to the deceased;
3. The name of the person who is verbally communicating authorization to embalm and that person's relationship to the person who is actually authorizing embalming;
4. The time and date authorization to embalm was given; and
5. The name and title of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment.

(23) Each Function C funeral establishment shall maintain on the **Missouri** premises the following documents:

- (A) General price list;
- (B) Preneed contracts which have been cancelled or fulfilled;
- (C) Purchase agreements; and
- (D) Authorizations to embalm or cremate.

(24) Each Function A funeral establishment licensed for embalming shall maintain on the premises in the preparation room a **[embalming log] register log**.

(25) Each Function B establishment licensed for cremation shall maintain **on the premises a completely functioning cremation chamber, as defined by 20 CSR 2120-2.071(1) (D), and maintain on the premises in the cremation area a cremation log. A Function B establishment shall not be in violation of this rule if the cremation chamber is completely restored to functioning capacity within one hundred (120) days from the date the cremation chamber ceases to be in compliance with this section. However, if there are extenuating circumstances, and the cremation chamber could not be repaired, documentation of such shall be provided to the board for review and approval.**

Cremation chambers shall be maintained in proper working order and in compliance with all applicable Missouri Department of Health and Senior Services statutes, rules and regulations; Missouri Department of Natural Resources, statutes, rules and regulations; and all other applicable federal, city, county, and municipal statutes, rules and regulations.

(A) If a Function B establishment has only one (1) cremation chamber, and that chamber is not functioning, notification from the establishment shall be made to the board within ten (10) business days after the cremation chamber stops functioning.

(B) A Function B establishment that has a non functioning cremation chamber may arrange for cremation at another licensed establishment, if the use of an alternate establishment for purposes of cremation is disclosed to the third party making the arrangements on the cremation authorization form.

(1) Cremation areas shall contain only the articles, instruments and items that are necessary for the preparation and cremation of dead human bodies. For purposes of this section, the cremation area shall include the entire room where the retort is located and any rooms used for viewing or visitation of a dead human body awaiting cremation or that is being cremated or being removed from the cremation chamber. This subsection

(1) shall not apply to establishments containing retorts or cremation areas for the cremation of non-human remains prior to April 1, 2008, provided that such establishment shall be prohibited from cremating human remains at the same time or in the same retort as non-human remains.

(2) Any establishment containing an area for the cremation of non-human remains prior to April 1, 2008, shall be required to comply with this rule if a change of ownership is caused by the addition or replacement of one (1) or more owners or a new corporation beings ownership of the establishment. This subsection (2) shall not apply if only the owners of the stock of a corporation changes.

(3) In no event shall any licensee or licensed establishment cremate human remains in the same retort used for cremating non-human remains.

(26) All documents required by this rule to be maintained, **[must] shall** be maintained on the premises **[for a minimum of the current calendar year and the previous calendar year] of the Missouri licensed funeral establishment for two (2) years from the date the record was created.** All documents required to be maintained by this rule may be maintained electronically, but all documents shall be stored in such a manner to allow access by the board and so the board, or its assignee, may easily and timely obtain hard copies or electronic copies in a format easily readable by the board, or its assignee.

(27) Each funeral establishment shall maintain a register log, as defined by 20 CSR 2120-1.040(9). The log shall be kept in the preparation or embalming room of the Missouri licensed funeral establishment at all times and in full view for a board inspector. If the funeral establishment does not contain a preparation or embalming room, the log shall be kept on the premises of the licensed funeral establishment and shall be easily accessible and in full view for a board inspector. A register log shall contain the information required by 20 CSR 2120-1.040(9).

[(27)](28) No dead human body shall be buried, disinterred, interred, or cremated within this state or removed from this state, unless the burial, disinterment, interment, cremation, removal, or other authorized disposition, is performed under the direction of a Missouri licensed funeral establishment or Missouri licensed funeral director, unless otherwise authorized by law. If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director's presence may not be required. **Nothing in this rule shall be interpreted to require the use of a Missouri licensed funeral establishment or director if the person(s) having the right to control the incidents of burial request or determine otherwise, provided that this provision does not exempt any person from licensure as required by Chapter 333, RSMo.**

(29) A licensee shall be prohibited from knowingly using, placing, or including any false, misleading, deceptive or materially incorrect information, or assisting or enabling any person to provide such information, on a death certificate filed in the State of Missouri.

[(28)](30) Whenever a dead human body is donated to a medical or educational institution for medical and/or scientific study and arrangements for return of the body to the legal next of kin have not been made, then delivery of the body to the medical or educational institution shall constitute final disposition. If, however, arrangements for return of the body to the legal next of kin have been made, then final disposition shall be the burial, interment, cremation, or removal of the body out of this state, after the medical or educational institution has returned the body.

[(29)](31) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 333.061, RSMo Supp. **[2003] 2006** and 333.091, 333.111, 333.121 and 333.145, RSMo 2000.* Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Amended: Filed Aug. 16, 1976, effective Dec. 11, 1976. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed Aug. 6, 1982, effective Nov. 11, 1982. For intervening history, please consult the *Code of State Regulations*.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via email to: embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

CALENDAR OF EVENTS

TENTATIVE MEETING DATES FOR THE BOARD:

December 3-5 - KC/Intercontinental Hotel

Please send your comments/suggestions regarding the newsletter to the State Board of Embalmers and Funeral Directors, P. O. Box 423, Jefferson City, MO 65102 or you can e-mail to pr.embalm@pr.mo.gov. Your comments/suggestions are welcomed and encouraged.

VISIT OUR WEB PAGE

Go to <http://pr.mo.gov/embalmers.asp> to view the State Board of Embalmers and Funeral Directors's web page. You will find information relating to the following:

- About the Board
- Application Forms
- Board Membership
- Change of Address Form
- Complaint Form
- Examination Dates
- Fees
- Meeting Information
- Newsletters
- Renewal Dates
- Rules & Statutes
- Staff
- Statistics

DO I NEED TO FILE A FICTITIOUS NAME REGISTRATION FOR MY BUSINESS?

BY: CAROL FISCHER, DEPUTY SECRETARY OF STATE FOR BUSINESS SERVICES

Every year, thousands of businesses file fictitious name registrations with the Business Services Division in the Secretary of State's Office, and we want to help you make sure that your business is registered properly.

Chapter 417.210 RSMo requires every person, general partnership, corporation or other business organization doing business in Missouri under a name other than the true name of the business, to file a fictitious name registration with the Secretary of State's office. For instance, John Doe and Jane Smith may be shareholders of Doe and Smith Mortuary Inc., but they operate a funeral home called Doe and Smith Funeral Home. Doe and Smith Mortuary Inc. must register the fictitious name under which it is doing business, Doe and Smith Funeral Home. While this example is for a funeral home, the same logic applies to any type of business.

A fictitious name registration may be completed online at the Secretary of State's website or by mail. The filing fee is \$7, and the registration must be renewed every five years. You may file online or print a paper form from the Secretary of State's website at: <http://www.sos.mo.gov/business/formsAndServices.asp>. If you have questions or do not have Internet access, you may call the Business Services Division toll-free at: **1-866-223-6535**.

BOARD MEMBER UPDATE

THANK YOU



JERRY GRIFFIN



WILLIAM STUART



KENNETH MCGHEE

The Board membership, staff and funeral industry would like to thank Jerry W. Griffin, William H. Stuart, and Kenneth McGhee for their many years of dedicated service to the funeral industry.

Jerry, Bill, and Ken have served the Board in leadership positions over their years of service and we sincerely appreciate their commitment to this profession.

Jerry was replaced by Martin Vernon of Hartsville in September of 2005, Bill was replaced by Gary Fraker of Marshfield in June of 2006, and Ken was replaced by Daniel T. Mahn, Sr. in October of 2007. Their many hours of service are sincerely valued in the industry of funeral directing.

WELCOME



MARTIN VERNON



GARY FRAKER



DANIEL T. MAHN

Martin D. Vernon was appointed by Governor Blunt in September of 2005 and resides in Hartsville, Missouri. Martin has been a Missouri licensed funeral director since 1988 and an embalmer since 1989. Martin has been branch manager of Holman-Howe Funeral Homes since 1989. He currently serves as vice president of Howe & Son, Inc. and is Executive Vice-President of Howe & Son, Inc. in charge of all company branch operations since 1996. Martin is active in the Missouri Funeral Directors & Embalmers Association and the National Funeral Directors Association.

Gary A. Fraker was appointed by Governor Blunt in June of 2006 and resides in Marshfield, Missouri. Gary has been a Missouri licensed funeral director and embalmer since 1971. Martin, along with his wife Jackie and son, Dale, own and operate the Fraker Funeral Home, Inc. in Marshfield, Gary is a long-time member of the Missouri Funeral Directors & Embalmers Association and the National Funeral Directors Association.

Daniel T. Mahn, Sr. was appointed by Governor Blunt in October of 2007. Todd has been a Missouri licensed embalmer since 1992 and funeral director since 1988. He is the owner of Mahn Funeral Homes in DeSoto, MO and Festus, MO. He also owns Peaceful Ridge Cemetery in DeSoto, MO. Todd is a member of the Missouri Funeral Directors & Embalmers Association and the National Funeral Directors Association.

LEGAL COUNSEL



KIM GRINSTON

Kimberly Grinston, division legal counsel, is currently assisting the Board with day-to-day legal issues, as well as attendance at all board meetings. Kimberly joined the Division of Professional Registration in January of 2006. Kimberly formerly served as legal counsel to the Department of Insurance and prior to her service at Insurance she served as Assistant Attorney General for the Missouri Attorney General's Office.

DIVISION LEGAL COUNSEL UPDATE

BY: DAVID BARRETT, DIVISION LEGAL COUNSEL

TAX COMPLIANCE



One of the most disappointing ways that we lose members of our professions is when licensees choose not to live up to their civic obligation to pay state income taxes. Section 324.010 RSMo. requires the Division to provide the Department of Revenue with the names of everyone applying for a license or renewing a license. Those who have not paid their taxes and those who do not correct the situation with DOT within 90 days of the date a notice of intent to suspend is sent lose the right to practice their profession until the matter is cleared up.

Recently this process has resulted in notices of intent to suspend being sent to between 1 and 2 percent of our new and renewal applicants. The Division works hard to make sure that licensees know that they have a Department of Revenue issue that needs to be cleared up. Within days of being informed that the Department of Revenue has sent a notice of intent to suspend, each board or commission sends at least one letter to its affected licensees at the licensee's address of record. Many times the issue is cleared up easily. Some of our licensees work out of state (or out of the country!) and don't have a Missouri income tax obligation. And in some cases there are glitches with names and other identifiers that are easily resolved. Further, tax liability paid in the protest or reasonably founded disputes about such liability are considered paid for the purposes of this law. If you get a notice by mistake make sure you contact the Department of Revenue immediately so that it can be corrected in the 90 day window allowed by law.

Like any suspended license, renewal fees must be paid, changes of address must be reported, and all of the other regulations of the profession must be followed. There is no end date to a tax suspension. But the licensee holds the key to resuming practice -- getting right with the DOR. The Department of Revenue issues taxpayers compliance letters when the issues are resolved; that taxpayer/licensee must then send the compliance letter to his or her licensing board or commission and comply with any other board or commission requirements so that the right to practice is promptly restored.

ASSISTANTS ATTORNEY GENERAL



Sharon Euler, Assistant Attorney General, serving the board since July 31, 2002, moved to the Financial Services Division within the Office of the Attorney General in the fall of 2006. Sharon's dedication and service to our board and profession has been sincerely appreciated.

Craig H. Jacobs, Assistant Attorney General, has been assigned by the Attorney General's Office to communicate with the Board of Embalmers and Funeral Directors regarding pending litigation. Mr. Jacobs joined the Attorney General's Office in October 1998. He has served as general counsel and litigation counsel for many boards, commissions and offices within the Division of Professional Registration, including current assignments to the Missouri Real Estate Appraisers Commission, the Missouri Real Estate Commission, and the Office of Endowed Care Cemeteries.

THINGS YOU NEED TO KNOW!

Q. Can two businesses be run out of the funeral home?

- A. 20 CSR 2120-2.070 (12) states; "Only one (1) license will be issued by this board for any physical facility that is considered to be a Missouri licensed funeral establishment as defined by statute and rule. If a Missouri funeral establishment licensed by this board is destroyed by fire or some other disaster or act of God, the board, in its discretion, for a period of not more than six (6) months, may allow the Missouri licensed funeral establishment to continue its operation from another Missouri licensed funeral establishment or from a facility that has not been licensed as a funeral establishment if the facility meets the minimum requirements for the functions outlined in section (2) of this rule."

Q. Where are my licenses to be displayed?

- A. 20 CSR 2120-2.070 (9) , 20 CSR 2120-2.060 (24) & 20 CSR 2120-2.010 (26) state, ".. shall be displayed at all times in a conspicuous location accessible to the public in each office or place of business where they work.."

Q. What must the embalming log contain?

- A. 333.061 (4) states; "Each funeral establishment shall have available in the preparation or embalming room a register book or log which shall be available at all times in full view for the board's inspector and the name of each body embalmed, place, if other than at the establishment, the date and time that the embalming took place, the name and signature of the embalmer and the embalmer's license number shall be noted in the book;" and 20 CSR 2120-1.040 (9) states; "(9) Embalming log—a written record or log kept in the preparation/embalming room of a Missouri licensed funeral establishment available at all times in full view for a board inspector, which shall include the following: (A) The name of deceased to be embalmed;
- (B) The Missouri licensed funeral establishment location;
 - (C) The date and time the dead human body arrived at the funeral establishment;
 - (D) The date and time the embalming took place;
 - (E) The name and signature of the Missouri licensed embalmer;
 - (F) The Missouri licensed embalmer's license number; and
 - (G) The name of the Missouri licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.

Q. Do you have to be a licensee of the Missouri State Board to sell funeral merchandise?

- A. NO

Q. Can family members bury their own with no involvement from a funeral establishment and/or a funeral director?

- A. Yes. The Board only regulates those engaged in the business of funeral directing and funeral establishments, as defined by Chapter 333, RSMo.

Q. Does a funeral director have to be present for interment and or disinterment?

- A. No, not if the person(s) having the right to control the incidents of burial request or determine otherwise. However, if the funeral director contracts or agrees to provide these services, the funeral director must be present for the interment and/or disinterment. The Board cautions that any funeral director who receives a request

not to be present for an interment and/or disinterment should properly document the files to indicate the request was made.

To clarify this position, the Board has proposed to amend 20 CSR 2120-2.070 (28) to provide as follows:

No dead human body shall be buried, disinterred, interred, or cremated within this state or removed from this state, unless the burial, disinterment, interment, cremation, removal, or other authorized disposition, is performed under the direction of a Missouri licensed funeral establishment or Missouri licensed funeral director, unless otherwise authorized by law. If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director's presence may not be required. Nothing in this rule shall be interpreted to require the use of a Missouri licensed funeral establishment or director if the person(s) having the right to control the incidents of burial request or determine otherwise, provided that this provision does not exempt any person from licensure as required by Chapter 333, RSMo.

If you would like to comment on the proposed change, which is not yet effective, please feel free to contact the Board at: **3605 Missouri Blvd.**

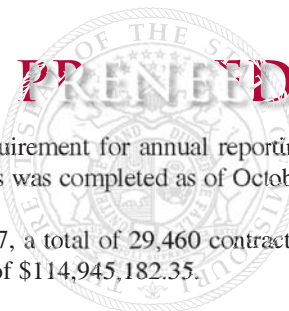
E-Mail: pr.embalm@pr.mo.gov

Phone: 573/751-0813

In light of recent questions that have been presented to the Board, the Board is reviewing rule 20 CSR 2120-2.070(4) which provides:

(4) A Missouri licensed funeral establishment shall not be used for any other business purpose other than as a Missouri licensed funeral establishment. It shall be permissible for a Missouri licensed funeral establishment to be in the same building as another business so long as the Missouri licensed funeral establishment has a separate entrance and a separate street address.

The Board is interested in any comments you may have regarding the current rule and the provisions requiring a separate entrance and address for businesses in the same building as a Missouri licensed funeral establishment.



The Board's requirement for annual reporting of preneed providers and sellers was completed as of October 31, 2007.

As of 11/19/2007, a total of 29,460 contracts were sold with a total face value of \$114,945,182.35.

MISSOURI LAW EXAM REVIEW CLASS

AUTHOR: DON OTTO
MISSOURI FUNERAL DIRECTORS & EMBALMERS ASSOCIATION

Each month, Missouri Funeral Directors & Embalmers Association (MFDEA) provides a review class designed to help prepare prospective funeral directors for the Missouri Funeral Service Law Exam Test. The Law Exam covers funeral directing laws, licensing, embalming, preneed sales, OSHA requirements and FTC rules. The cost of this class for 2007 is \$130 and includes a study guide and practice tests designed to help your retention and recollection. Participants who are not currently licensed also receive a free one-year student membership in the MFDEA. Should you take the class and fail to pass the state law exam, you can retake the review class free of charge as many times as you wish.

BEGINNING OCTOBER 2007

Starting in October 2007, the State Law Exam test is no longer administered in Jefferson City once a month. Instead, the exam will be completed via computer in St. Louis, Kansas City, Springfield and Columbia, Missouri. Since individuals can take the exam on the day they wish (after they have qualified, registered and paid) there is no need to take the review class in Jefferson City the day before the test and spend the night in town as most people had done in the past. Therefore the Association will be taking the Review Class on the road. This way more people will have access to the class and people can take the class and the exam when it is convenient. They do not need to be tied together. For information on how to sign up for on-line testing once it becomes available, visit www.theconferenceonline.org.

Please call the MFDEA office directly with questions with regard to the pre-examination class at (573) 635-1661.

Division of Professional Registration
Missouri State Board of Embalmers and Funeral Directors
P.O. Box 423
Jefferson City, MO 65102
Telephone: 573/751-0813

MOVING?

**PLEASE NOTIFY THE
BOARD OFFICE OF
YOUR NEW ADDRESS.**

The rules and regulations require all licensees to notify the Division of all such changes by sending a letter to the office in Jefferson City, Missouri. Please include a street address to facilitate any express mail deliveries.

NAME: _____

PROFESSION: _____ **LICENSE NUMBER:** _____

(P.O. BOX MUST BE ACCOMPANIED BY YOUR PHYSICAL ADDRESS)

OLD ADDRESS: _____

NEW ADDRESS: _____

SIGNATURE: _____

DATE: _____

PLEASE MAIL OR FAX TO:

Missouri State Board of Embalmers and Funeral Directors, P.O. Box 423, Jefferson City, MO 65102
Fax: (573) 751-1155